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Penal Laws and Test Act: Questions touching their Repeal propounded in 1687-8 by James II. to the Deputy Lieutenants and Magistrates. Edited by Sir George Duckett Bart. (Privately printed.)

HISTORICAL students owe a debt to Sir George Duckett for drawing attention to these important papers. The returns for the greater part of the English and Welsh counties exist among the Rawlinson MSS. in the Bodleian Library. How Dr. Rawlinson came into possession of them seems to be unknown. He was a great collector of manuscripts at a time when few people cared for written documents that did not contain illuminations or were not very old. Modern history is indebted to him in many of its departments. There are probably few volumes in his collection more important than the one of which Sir George Duckett has given us this careful imprint. From the time of its arrival at Oxford until a year or two ago, it does not seem to have been ever used to any good purpose. At last, however, Sir George printed some of the returns in the *Transactions* of certain provincial societies. These we noticed at the time (*Athen.*, 2750, p. 47; 2765, p. 531), pointing out that the information given was far too important to be doled out piecemeal and hidden away in places where students of general history might never think of looking for it. Sir George is good enough to say that this suggestion of ours has induced him to publish the whole of the papers.

The popular histories of England do scant justice in some respects to James II. We do not wish to say a word in favour of his moral character, and, viewed from any point, his political career was sufficiently disgraceful. If it be granted that he was, when king, fervently religious, it must be admitted that his spiritual convictions had but little effect on his moral conduct. Where he has been hardly used is in the conception which most persons have formed of his intellectual capacity. The revolution he intended to bring about was not a success. It failed so completely that he became the cause of a series of events almost the exact reverse of what he had proposed to himself. Because his career in kingcraft was a failure it has been too readily assumed that he rushed on his purpose without taking those precautions which a reasonable man might have foreseen to be necessary. The more the documents of the time are studied the less ground there seems for this assumption. James was bent on restoring the Roman Catholic religion, and on making himself an absolute monarch, like his brother of France.

Had it not been for unforeseen circumstances, he might for a time have achieved success in both these aims. That the religion of the Latin Church could have been forced on the people for any length of time is not credible, and still less can it be conceded that the machinery of absolute government could have gone on unchecked; but for a short space both these things might have come to pass had it not been for what all good Protestants of those days thought to be the providential intervention of the Dutch Stadholder. Parliamentary government was discredited; no honourable or wise man could respect the "parliament-men" who had served under the rule of Charles II. Elections were known to be almost everywhere corrupt; and the two parties in the Commons, and in a slightly less degree in the Lords, had disgraced themselves by cruelty and greed in a manner which it requires an effort for those who live in purer and milder days to realize. The Church of England had never recovered the shock which the Great Rebellion had given her; Dissenters were now a recognized body outside her pale, and many of them persons of wealth and social importance. She had weakened the respect of others of her more devout members by the extravagant flatteries many of her members poured out at the feet of the restored monarchy. Owen Feltham was permitted to write of "Charles I. and Christ II.," and another person to say of Charles II. that "Heaven could not give us nor we covet more." We do not find that these people were punished for blasphemy, or even censured by ecclesiastical authority at a time when it was thought necessary for the welfare of church and state to confine Bunyan and others such as he in prison. Many of her most prominent members, too, had maintained a theory of the divine right of kings which was shocking, not only to the intelligence of all those who loved freedom for its own sake, but to multitudes of non-political persons who were acquainted with the history and traditions of their own land or who had mastered the Biblical narrative as to the kings of Judah and Israel. It is not unnatural to suppose that a large number of members of the Church as well as the whole of the Dissenters would be glad to be rid of the Test Act and the penal laws. Toleration as we understand it was an idea entertained by few; but James had fair grounds for assuming that he should be able to play the various parties off against one another, so as to gain first toleration and then supremacy for his own faith. Had he been a popular prince this might have been done; but there were many reasons obvious to all who were not ~~com~~ parasites on the experiment was

in his case especially dangerous. Having laid his plans he carried them out carefully. Lords lieutenant who would serve his turn were appointed in all the shires; the list of justices of the peace and deputy lieutenants was overhauled, special care being taken to arrange for the elections of knights of shires and burgesses in future. The questions proposed to the justices and others in thirty-four counties, with the answers that many of them gave, are now before us. On the whole, the replies are decidedly unfavourable, though there were, of course, many, especially in the north of England, who were ready to go any length to serve the king. These questions were in most instances three in number. We give them in a modern and condensed form:—1. Are you willing, if chosen a member of Parliament, to vote for the repeal of the penal laws and Test Act? 2. Will you at future elections do all you can to return members favourable to these changes? 3. Will you live in a friendly manner with those of other religions?

To the last question the answer is almost always, Yes. To the other two the replies are very various. Some men promise everything required; others say when they are returned to Parliament they will be led by circumstances; not unfrequently we meet with a direct refusal. The answers when not given by a body of men are often very curious. Sir Fairmedow Penyston, a deputy lieutenant for Oxfordshire, says:—

"I ever was and still am of opinion that no humane lawes whatsoever either ought or can exercise an absolute dominion over the judgments and consciences of men, and therefore ought not to inflict any manner of punishment for that over which they neither have nor can have any jurisdiction."

Nevertheless he would not consent to the repeal of the Test Act without an "equivalent security" be provided by Parliament. This gentleman seems to have been at one with Locke on the matter of toleration and its limitations. Sir Rice Williams, a Carmarthenshire justice, testifies to the same opinions, though he uses very different words to express himself. He says he is

"not fond neither of ye Penall Laws nor ye Test. The first not according to primitive Christianity; the other introduced by ill men for a very ill purpose; but doubtfull till hee sees what will bee don for preservation of ye Protestant religion."

Advantage was sometimes taken by an active lord lieutenant of a meeting of justices, when they were induced—may we not say compelled?—to reply in a body. Lord Preston had an interview with

such a gathering at the George Inn at Penrith. It is obvious that when the replies were thus extorted under pressure they are far less valuable as a guide to the popular opinion than when given separately in writing.

The editor has done his part well. There is a certain amount of repetition in the introductory remarks to some of the counties, but this only occurs in a few trivial instances. The genealogical notes, as far as we are able to test them, are accurate. They are perhaps not quite so full as they might be; but this is very much a matter of taste, and they are usually sufficient to guide the well-informed student to other sources of knowledge. When, as occasionally happens, the Christian name of a justice is left out in the text, it would have been better to have supplied it in a note. Thus among the Justices for Lindsey we find "— Doleman." This is John Dolman, a member of an old Roman Catholic and Cavalier family, who lived in the dissolved Preceptory of the Knights of St. John of Jerusalem at Bottesford. The estate of his father Marmaduke had been confiscated by Act of Parliament in 1652, but it was recovered at the Restoration.

We have always understood that the name of the chief officer of the borough of Ripon was the Wakeman, until the passing of the Municipal Reform Act turned him into a mayor. William Chambers, who filled the post at this time, and gave a sufficiently evasive reply to the questions asked, signs himself "Maior." It is surely a mistake to say that Durham was not represented in Parliament until 1672. It sent two members to the Cromwellian Parliament of 1656.

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J. S.
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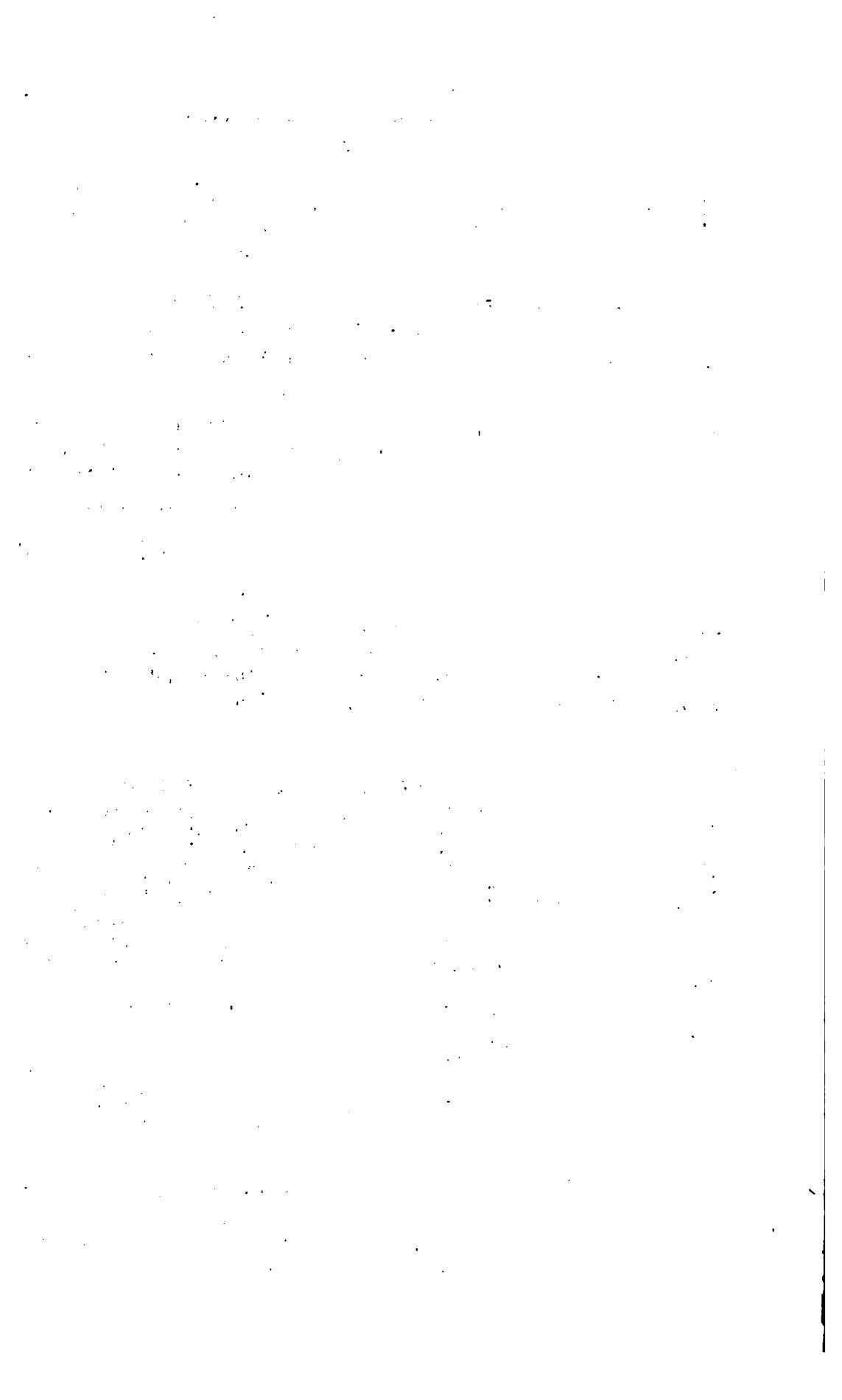
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N.B.—In every case this Memo. is sent more especially to those whose Ancestor's Name, and in many cases,
"Original autograph Answer" appears for the respective County.

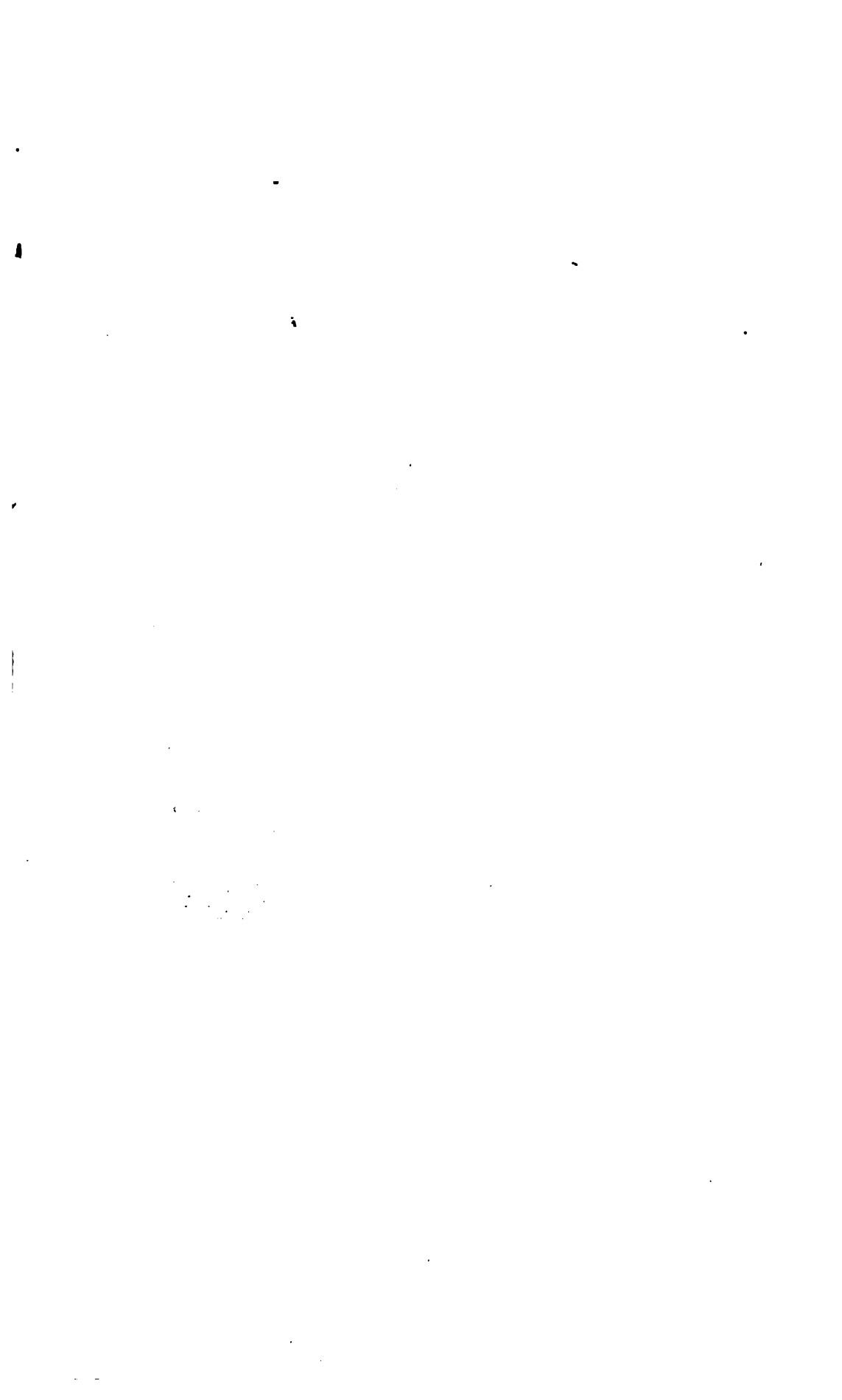
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# Penal Laws and Test Act.

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QUESTIONS TOUCHING THEIR REPEAL PROPOUNDED  
IN 1687-8 BY JAMES II.,

TO THE

Deputy Lieutenants and Magistrates

OF THE COUNTIES OF

CUMBERLAND, WESTMORLAND, DURHAM,  
NORTHUMBERLAND, LINCOLN, DERBY, WORCESTER, WILTS, HEREFORD, MONMOUTH,  
GLOUCESTER, BRISTOL, SUSSEX, NORFOLK, CAMBRIDGE, OXON,  
DEVON, CORNWALL, KENT, ESSEX, AND HANTS;  
THE TWELVE COUNTIES OF THE PRINCIPALITY OF WALES, AND THE THREE RIDINGS  
OF YORKSHIRE;

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EDITED

With Notes and Observations,

BY

SIR GEORGE DUCKETT, BART.

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London.

M D C C C L X X X I I .

[Printed for Subscribers only.]

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# Penal Laws and Test Act, 1687-8.

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## INTRODUCTORY.

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*On doit des égards aux vivants, on ne doit, aux morts, que la vérité.*

(VOLTAIRE.)

---

Such is the sentiment and admonitory principle, embodied in the above quotation, on which we purpose to fulfil our task in illustration of a vital point in history, now almost forgotten ; faithfully recording the very words and sentiments of our ancestors on the most momentous subject of their time, and commenting on other matters in strict accordance with documentary evidence and proof.

The Questions touching the abrogation of the Test and Penal Statutes, were propounded by James II. in 1687-8 to the entire Magistracy of England and Wales, but the Counties, whence the following Returns were sent in, have not been specially selected as presenting a clearer view of the general aversion to these canvassing measures of the King ; they afford, nevertheless, a fair criterion, or rather conclusive proof, of the feeling of the country respecting them.

The publication of rather less than one third of the present Collection has already been made in the Antiquarian Journals of the respective Counties ; these, in accordance with a suggestion which originated with the ATHENÆUM, have been reprinted, and are now embodied with the unedited portion in the present volume ; the whole, it is believed, will thus furnish an important and instructive addition to the records of that period, only slightly touched upon by some historians, and entirely unnoticed by others. The Returns transmitted from Wiltshire are probably of chief interest ; that county, from its previous history, being regarded with some anxiety and suspicion ; whilst those from Hampshire evince considerable hostility to the King's enterprise, equalled probably by no other county in the Kingdom.

Throughout the Series, some introductory matter, applicable

to the County treated, will be found prefacing the actual Return ; a course, originally adopted as necessary, when these were published separately, and distributed among the Transactions of Provincial Societies. In the present instance the same has been retained unaltered, for although occasional repetition may in some cases be observable therein, more perhaps in import than in words, the local considerations of one County and its history, very materially differ from those of another, and suggest observations solely applicable to the one under notice.

We now propose, as a preliminary, to open the subject of the following pages by enumerating the several Lords-Lieutenant of England and Wales, both at the time James II. first formed the design of propounding through them his Questions to the Magistracy of the different Counties, and canvassing the constituencies touching their views in the event of a future election ; and subsequently, when by replacing nearly the whole of the then existing Lords-Lieutenant, who peremptorily refused to undertake the duty, he had found a sufficient number of Catholics and others willing to assist in carrying out his measures.

This list, (which we have obtained by the very great courtesy of the Deputy Keeper of the Public Records), embraces the entire number of Lords-Lieutenant from the commencement of his reign to the landing of the Prince of Orange in 1688, and the study of it forms by no means the least interesting or remarkable part of the inquiry, for whilst placing before us the functionaries on whom the King's hopes chiefly rested towards supporting the grand political scheme of getting together a Parliament corrupt enough to answer his object, we have practical illustration afforded us of that dispensing power which he assumed, in virtue of his Royal prerogative, towards those very officials.

*January, 1882.*

[PUBLIC RECORD OFFICE COPY.]

## List of Lords Lieutenant of Counties

TEMP. JAMES II.

- 
- BEDFORD,            13. March, 1. James II ; Robert, Earl of Aylesbury,  
                       Lord Lieutenant of the County of Bedford.  
                       [Patent Roll, 1 James II., part 1, No. 10.]
- BEDFORD,            26. Nov, 1. James II ; Thomas, Earl of Aylesbury,  
                       Lord Lieutenant of the County of Bedford.  
                       [Patent Roll, 1 James II, part 10, No. 2.]
- BUCKINGHAM        } 4. March, 1. James II ; John, Earl of Bridgewater,  
and                    } Lord Lieutenant of the Counties of Buckingham and  
HERTFORD,          } Hertford.  
                       [Patent Roll, 1. James II, part 1. No. 8.]
- BUCKINGHAM,        26. Nov, 2. James II ; John, Earl of Bridgewater,  
                       Lord Lieutenant of the County of Buckingham.  
                       [Patent Roll, 2. James II, part 11. No. 7 (in dorso)].
- Bucks,              12. Nov, 3. James II ; George, Lord Jeffreys\*, Lord  
                       Lieutenant of the County of Bucks. Clause revoking  
                       Commission of Lieutenancy, dated 26. Nov. 2. James  
II, to John, Earl of Bridgewater.  
                       [Patent Roll, 3. James II, part 9. No. 8.]
- CAMBRIDGE        } 4. March, 1. James II ; Robert, Earl of Aylesbury,  
and                    } Lord Lieutenant of the Counties of Cambridge and  
HUNTINGDON,        } Huntingdon, during the absence of Edward, Earl of  
                       Sandwich.  
                       [Patent Roll, 1. James II, part 1. No. 2.]

---

\* The notorious Lord High Chancellor Jeffreys.

- CAMBRIDGE,**      26. Nov, 2. James II; Henry, Lord Dover, Lord Lieutenant of the County of Cambridge; vice Robert, late Earl of Ailesbury, deceased.  
                         [Patent Roll, 2. James II, part 11. No. 2].
- CHESTER and LANCASTER,**      { 28. March, 1. James II; William, Earl of Derby, Lord Lieutenant of the City of Chester, and County of same, and of the Counties of Chester and Lancaster, during pleasure.  
                         [Patent Roll, 1 James II, part 1. No. 21].
- CHESTER,**      25. Oct, 3. James II; William Richard George, Earl of Derby, Lord Lieutenant of the County of Chester, and of the City of Chester and county of same, and of the County of Lancaster.  
                         [Patent Roll, 3. James II, part 10. No. 10 (in dorso)].
- CHESTER,**      28. Feb, 4. James II; William, Marquis of Powys, Lord Lieutenant of the County of Chester, and of the City of Chester, and County of same—Clause revoking the Commission of Lieutenancy of William, Earl of Derby—Clause releasing him from the obligation of taking the oaths of Supremacy and Allegiance, and subscribing the Tests required by the Act 25. Chas. II. &c. &c.  
                         [Patent Roll, 4. James II, part 3. No. 7].
- CORNWALL,**      13. March, 1. James II; John, Earl of Bath, Lord Lieutenant of the County of Cornwall, and the Corporate town and borough of Plymouth, co. Devon, during pleasure.  
                         [Patent Roll, 1. James II, part 1. No. 27].
- DERBY,**      4. March, 1. James II; Robert, Earl of Scarsdale, Lord Lieutenant of the County of Derby during pleasure.  
                         [Patent Roll, 1. James II, part 1. No. 7].
- DERBY,**      23. Dec, 3. James II; Theophilus, Earl of Huntingdon, Lord Lieutenant of the County of Derby; vice Robert, Earl of Scarsdale—Clause releasing him from the obli-

gation of taking the oaths of Supremacy and Allegiance, and subscribing the Tests required by the Act 25. Chas. II., &c., &c.

[Patent Roll, 3. James II, part 9. No. 11 (in dorso)].

DEVON and  
CITY of EXETER, } 16. March, 1. James II; Christopher, Duke of Albemarle, Lord Lieutenant of the City of Exeter, and County of same, and of the County of Devon, except the Corporate town and borough of Plymouth, co. Devon.

[Patent Roll, 1. James II, part 1. No. 16].

DEVON &c. } 7. Dec, 1. James II; John, Earl of Bath, Lord Lieutenant of the County of Devon, except the Borough of Plymouth, and of the City of Exeter, and County of same.

[Patent Roll, 1. James II, part 10. No. 1].

DORSET, 11. April, 1. James II; John, Earl of Bristol, Lord Lieutenant of the County of Dorset.

[Patent Roll, 1. James II, part 1. No. 9].

DURHAM, 5. March, 1. James II; Nathaniel, Bishop of Durham, Lord Lieutenant of the County of Durham.

[Patent Roll, 1. James II, part 1. No. 3].

ESSEX, 16. March, 1. James II; Aubrey, Earl of Oxford, and Christopher, Duke of Albemarle, Lords Lieutenant of the County of Essex.

[Patent Roll, 1. James II, part 1. No. 24].

ESSEX, 25. Oct, 3. James II; Aubrey, Earl of Oxford, Lord Lieutenant of the County of Essex.

[Patent Roll, 3. James II, part 10. No. 8. (in dorso)].

ESSEX, 18. Feb, 4. James II; Thomas, Lord Petre, Lord Lieutenant of the County of Essex—Clause releasing him from the obligation of taking the oaths of Supremacy and Allegiance, and subscribing the Tests required by the Act 25. Chas. II., &c., &c.

[Patent Roll, 4. James II, part 3. No. 8].

- HERTFORD,** 18. Nov, 2. James II ; Laurence, Earl of Rochester, Lord Lieutenant of the County of Hertford.  
 [Patent Roll, 2. James II, part 11. No. 6].
- HUNTINGDON,** 26. Nov, 1. James II ; Thomas, Earl of Aylesbury, Lord Lieutenant of the County of Huntingdon ; during the absence of Edward, Earl of Sandwich.  
 [Patent Roll, 1. James II, part 10. No. 3].
- KENT,** 18. April, 1. James II ; Heneage, Earl of Winchelsea, Lord Lieutenant of the City of Canterbury, and County of same, and the County of Kent, during pleasure.  
 [Patent Roll, 1. James II, part 1. No. 20].
- KENT,** 16. Jan, 3. James II ; Christopher, Lord Teynham, Lord Lieutenant of the County of Kent, and the City of Canterbury, and County of same ; vice Heneage, Earl of Winchelsea—Clause releasing him from the obligation of taking the oaths of Supremacy and Allegiance, and subscribing the Tests required by the Act 25. Chas. II., &c., &c.  
 [Patent Roll, 3. James II, part 9. No. 6. (in dorso)]
- KENT,** 25. Oct, 4. James II ; Lewis, Earl of Feversham, Lord Lieutenant of the County of Kent, and of the City of Canterbury, and County of same.  
 [Patent Roll, 4. James II, part 10. No. 9. (in dorso)].
- LANCASTER,** 13. Sept, 3. James II ; Caryll, Viscount Molyneux, Lord Lieutenant of the County of Lancaster—Clause revoking Commission of Lieutenancy to William, Earl of Derby, dated 28. March, 1. Jas. II.  
 [Patent Roll, 3. James II, part 8. No. 6. (in dorso)].
- LEICESTER,** 27. March, 1. James II ; John, Earl of Rutland, Lord Lieutenant of the County of Leicester.  
 [Patent Roll, 1. James II, part 1. No. 11].

**LEICESTER,**      ii. Aug, 3. James II ; Theophilus, Earl of Huntingdon, Lord Lieutenant of the County of Leicester—Clause revoking Commission of Lieutenancy to John, Earl of Rutland, dated 27. March, 1. Jas. II.  
 [Patent Roll, 3. James II, part 7. No. 11. (in dorso)].

**LINCOLN,**      19. March, 1. James II ; Robert, Earl of Lindsey, Lord Lieutenant of the County of Lincoln, and city of Lincoln, and county of same.

[Patent Roll, 1. James II, part 1. No. 13].

**LONDON,**      <sup>1665</sup> 13. June, 1. James II ; Sir James Smith, knt., Lord Mayor, and the Lord Mayor of the City of London for the time being ; Sir George Jefferyes, knt. and Bart., Chief Justice of the Court of King's Bench ; Sir William Turner, knt. ; Sir William Hooker, knt. ; Sir Robert Viner, knt. and Bart. ; Sir James Edwards, knt. ; Sir John Moore, knt. ; Sir William Pritchard, knt. ; Sir Henry Tulse, knt. ; Sir Thomas Jenner, knt., Serjeant at law and Recorder of the City of London ; Sir Robert Jeffrys, knt. ; Sir John Peak, knt. ; Sir Thomas Beckford, knt. ; Sir John Chapman, knt. ; Sir Simon Lewis, knt. ; Sir Jonathan Raymond, knt. ; Sir Peter Daniel, knt. ; Sir Peter Rich, knt. ; Sir Samuel Dashwood, knt. ; Sir Benjamin Bathurst, knt. ; Sir John Duckworth, knt. ; Sir Benjamin Newland, knt. ; James Lucy, esq. ; Charles Duncombe, esq. ; Peter Perravizeene, esq. ; Benjamin Thorogood, esq. ; Sir William Gosling, knt. ; Sir Peter Vandeputt, knt. ; Aldermen, Sir Dudley North, knt. ; Sir John Cutler, knt. and Bart. ; Sir Robert Knightly, knt. ; Sir William Russell, knt. ; Sir John Mathews, knt. ; Sir William Dodson, knt. ; Sir Robert Adams, knt. ; Sir James Ward, knt. ; Sir Thomas Griffith, knt. ; Sir Thomas Bludworth, knt. ; Sir Edmund Wiseman, knt. ; Sir Thomas Davall, knt. ; Sir Nicholas Butler, knt. ; Sir Thomas Vernon, knt. ; John Steventon ; Thomas Cowdon ; Edward Becker ; Adrian Quyney ; John Wallis ; John Nicholls ; John Jeffrys ; Nicholas Charlton ; Anthony Sturt ; William Withers ; Henry Loades ; Ralph Box ; John Short ;

Nathaniel Haws; Richard Alie; Thomas Langham; George Torriano; Benjamin Skutt; William Hedges; Hugh Strode; William Carpenter; William Butler; William Stronge; William Winbury; Thomas Colson; Nicholas Cooke; William Warren; Henry Crisp; Jonathan Bull and Henry Coffiez, esquires; Lords Lieutenant of the City of London.

[Patent Roll, 1. James II, part 1. No. 1.]

LONDON,

<sup>1687</sup>  
26. August, 3. James II; Sir John Peake, knt., Mayor of the city of London, and the mayor of the same for the time being; George Lord Jeffreys, Baron of Wem, Lord High Chancellor of England; Sir Thomas Jenner, knt., one of the Barons of the Exchequer; Sir William Hooker, knt.; Sir John Tate, knt., Recorder of the city of London, and the Recorder of the same for the time being; Sir Robert Vyner, knt. and bart.; Sir Jonathan Raymond, knt.; Sir John Shorter, knt.; Sir Peter Daniell, knt.; Sir William Gosling, knt.; Sir Peter Vandeput, knt.; Sir Thomas Kensey, knt.; Sir Thomas Rawlinson, knt.; Sir Thomas Fowle, knt.; John Jolliffe, esq.; Samuel Thompson, esq.; John Bawden, esq.; Sir Bazil Firebrace, knt.; Sir John Parsons, knt.; Humfrey Edwyn; William Kiffin; John Mawson; James Paul; William Ashurst; Sir Richard Hawins, knt.; John Gardner; Sir John Eyles, knt.; Edward Underhill, Thomas Radvard, John Berry, Sir John Werden, bart.; Sir Nicholas Butler, knt.; Sir Dudley North, knt.; Sir John Duckworth, knt.; Thomas Chudleigh, esq.; James Lucy; Sir Peter Paravicine, knt.; William Pepys; Sir John Cutler, bart.; Sir William Dodson, knt.; Sir James Ward, knt.; Sir Thomas Bludworth, knt.; Sir Edmund Wiseman, knt.; Sir Thomas Duvall, knt.; Thomas Cowden; Edward Beaker; John Jeffreys; Adrian Quiny; John Wallis; Nicholas Charleton; Anthony Sturt; Henry Loades; Ralph Box; John Short; William Hedges; Hugh Strode; William Strong; William Winbury; Thomas Colson; William Warren; John Bull; Sir Denny Ashburnham, bart.; Charles Davenant, LL.D.; Sir John

Friend, knt. ; Joseph Hornby ; Richard Graham ; Felix Colbert ; Francis Parry, and James Mundy, esquires ; Lords Lieutenant of the city of London—Clause releasing them from the obligation of taking the oaths of Supremacy and Allegiance, and subscribing the Tests required by the Act 25 Chas. II., &c., &c.

[Patent Roll, 3. James II, part 8. No. 3. (in dorso)].

LONDON,

<sup>1688</sup>

1. Oct. 4. James II ; Sir John Eyles, knt., Mayor of the city of London, and the Mayor of the city of London for the time being ; George, Lord Jeffreys, Baron of Wem, High Lord Chancellor of England ; Sir Thomas Jenner, knt., one of the Justices of the King's Bench ; Sir Nicholas Buttler, knt. ; Sir William Hooker, knt. ; Sir William Turner, knt. ; Sir Bartholomew Shewer, knt., Recorder of the city of London and the Recorder of same for the time being ; Sir Jonathan Raymond, knt. ; Sir Peter Daniell, knt. ; Sir William Gostlin, knt. ; Sir Thomas Kensey, knt. ; Sir Samuel Thompson, knt. ; Sir John Bawden, knt. ; Sir Basil Firebrace, knt. ; Sir John Parsons, knt. ; Sir Humphry Edwin, knt. ; William Kiffen ; John Mawson, esquires ; Sir William Ashurst, knt. ; John Gardner ; Edward Underhill ; Thomas Rodvard ; John Berry, esquires ; Sir James Edwards, knt. ; Sir John Moore, knt. ; Sir William Prichard, knt. ; Sir Henry Tulse, knt. ; Sir James Smyth, knt. ; Sir Robert Jeffery, knt. ; Sir John Chapman, knt. ; Sir Simon Lewis, knt. ; Sir Peter Rich, knt. ; Sir Samuel Dashwood, knt. ; Sir Benjamin Bathurst, knt. ; Sir Benjamin Newland, knt. ; Sir Benjamin Thorowgood, knt. ; Sir Peter Parravicine, knt. ; Sir Dudley North, knt. ; Sir John Werden, knt. ; Sir Thomas Bludworth, knt. ; Sir William Dodson, knt. ; Sir James Ward, knt. ; Sir Thomas Davall, knt. ; Sir Edmund Wiseman, knt. ; Sir Peter Vandeputt, knt. ; Sir Thomas Rawlinson, knt. ; Sir Thomas Fowle, knt. ; Sir William Russell, knt. ; Sir Robert Knightly, knt. ; Sir John Mathews, knt. ; Sir Thomas Griffith, knt. ; Sir Thomas Vernon, knt. ; Sir William Hedges, knt. ; Charles Duncomb ; John Jeffrys ;

James Lucy ; William Pepys ; Henry Loades ; Henry Crispe ; Thomas Colson ; Richard Alie ; Nathan Haws ; John Nicholls ; William Wythers ; Richard Graham ; Ralph Box ; Edward Decker ; Adryan Quynay ; John Wallis ; Richard Charlton ; John Jolliffe ; John Short ; James Mundy ; William Wynbury ; William Warren ; John Bull ; John Steventon and Thomas Langham, esquires ; Lords Lieutenant of the City of London—Clause releasing them from the obligation of taking the oaths of Supremacy and Allegiance, and subscribing the Tests required by the Act 25. Chas. II., &c., &c.

[Patent Roll, 4. James II, part 10. No. 2. (in dorso).]

LONDON,

1688

3. Nov, 4. James II ; Sir John Chapman, knt., Mayor of the City of London and the mayor of same for the time being ; George, Lord Jeffreys, Baron of Wem, Lord High Chancellor of England ; Sir Thomas Jenner, knt., one of the Justices of the King's Bench ; Sir William Hooker, knt. ; Sir John Moore, knt. ; Sir William Prichard, knt. ; Sir Henry Tulse, knt. ; Sir James Smyth, knt. ; Sir Robert Geffery, knt. ; Sir Simon Lewis, knt. ; Sir Jonathan Raimond, knt. ; Sir Dudley North, knt. ; Sir Peter Daniel, knt. ; Sir Peter Rich, knt. ; Sir Thomas Stampe, knt. ; Sir Samuel Dashwood, knt. ; Sir Benjamin Thorowgood, knt. ; Sir Thomas Kensey, knt. ; Sir William Ashurst, knt. ; Christopher Lethieullier, esq. ; Sir John Fleet, knt. ; Sir William Gostlin, knt. ; Sir Thomas Lane, knt. ; Sir Humphry Edwin, knt., Recorder of the city of London for the time being ; Sir William Turner, knt. ; Sir James Edwards, knt. ; Sir Robert Clayton, knt. ; Sir Benjamin Bathurst, knt. ; Sir John Werden, knt. ; Sir John Eyles, knt. ; Sir Benjamin Newland, knt. ; Sir Peter Parravicine, knt. ; Sir Peter Vandeput, knt. ; Sir Thomas Rawlinson, knt. ; Sir Thomas Fowle, knt. ; Sir William Russell, knt. ; Sir Samuel Thompson, knt. ; Sir John Bawden, knt. ; Sir Basil Firebrace, knt. ; Sir John Parsons, knt. ; Sir Thomas Bludworth, knt. ; Sir Thomas Griffith, knt. ; Sir William Dodson, knt. ; Sir James Ward, knt. ; Sir

Thomas Davall, knt.; Sir Edmund Wiseman, knt.; Sir Robert Knightley, knt.; Sir John Mathewes, knt.; Sir Thomas Vernon, knt.; Sir William Hedges, knt.; Charles Duncomb; William Kiffen; John Gardner; Edward Underhill; Thomas Rodvard; John Berry; William Pepys; Henry Loades; Henry Crispe; Thomas Colston; Richard Alie; William Wagstaffe; Nathaniel Hawes; John Nicholls; William Withers; Richard Graham; Ralph Box; Edward Beaker; Adrian Quiney; John Wallis; Nicholas Charlton; John Jolliffe; John Short; James Mundy; William Winbury; William Warren; John Bull; John Steventon; and Thomas Langham, esquires; Lords Lieutenant of the City of London.

[Patent Roll, 4. James II, part 10. No. 12 (in dorso)].

**MIDDLESEX,**

23. Feb, 1. James II; William, Earl Craven, Lord Lieutenant of the County of Middlesex, and of the Borough of Southwark, and the several parishes of St. Olave, St. Saviour's, St. Thomas the Apostle, and St. George in Southwark, co. Surrey, and in such parts of the several parishes towns and hamlets of Lambeth, Newington, Bermondsey, and Redriffe alias Redderhyth, co. Surrey, as are within the bills of mortality.

[Patent Roll, 1 James II, part 6. No. 11].

**NORFOLK,  
SURREY,  
BERKS,  
and  
CITY OF NORWICH,**

26. Feb, 1. James II; Henry, Duke of Norfolk, Lord Lieutenant of the Counties of Norfolk, Surrey, and Berks, and of the City of Norwich, and County of same.

[Patent Roll, 1. James II, part 6. No. 12].

**NORTHAMPTON,** 16. March, 1. James II; Henry, Earl of Peterborough, Lord Lieutenant of the County of Northampton, during pleasure.

[Patent Roll, 1. James II, part 1. No. 25].

NOTTINGHAM,  
NORTHUMBERLAND,  
and Town of  
NEWCASTLE-ON-TYNE, } 25. March, 1. James II ; Henry, Duke of New-  
castle, Lord Lieutenant of the Counties of Not-  
tingham and Northumberland, and town and  
County of Nottingham, and town and County of  
Newcastle-on-Tyne ; during pleasure.

[Patent Roll, 1. James II, part 1. No. 5].

OXFORD, 18. Feb, 1. James II ; James, Earl of Abington,  
Lord Lieutenant of the County of Oxford.

[Patent Roll, 1. James II, part 7. No. 18].

OXFORD, 5. Dec, 3. James II ; Edward Henry, Earl of  
Litchfield, Lieutenant of the County of Oxford ;  
vice James Earl of Abingdon.

[Patent Roll, 3. James II, part 10. No. 5 (in dorso)].

OXFORD, 19. Oct, 4. James II ; Edward Henry, Earl of  
Litchfield, Lord Lieutenant of the County of  
Oxford, during pleasure.

[Patent Roll, 4. James II, part 10. No. 6. (in dorso)].

RUTLAND, 23. Jan, 3. James II ; Henry, Earl of Peter-  
borow, Lord Lieutenant of the County of Rut-  
land ; vice Edward, Earl of Gainesborough and  
Wriotheslie Baptista, Lord Noell—Clause re-  
leasing him from the obligation of taking the  
oaths of Supremacy and Allegiance, and sub-  
scribing the Tests required by the Act 25. Chas.  
II. &c. &c.

[Patent Roll, 3. James II, part 9. No. 8. (in dorso)]

SALOP, 25. June, 1. James II ; Francis, Viscount New-  
port, Lord Lieutenant of the Town and County  
of Salop, during pleasure.

[Patent Roll, 1. James II, part 1. No. 18].

SALOP, 11. Aug, 3. James II; George, Lord Jeffreys,  
Lord Lieutenant of the County of Salop—Clause

revoking Commission of Lieutenancy to Francis Viscount Newport, dated 25. June, 1. Jas. II.

[Patent Roll, 3. James II, part 7. No. 13. (in dorso)]

**SOMERSET,** and  
**EAST RIDING OF YORK,** } 26. Feb, 1. James II ; Charles, Duke of Somerset,  
} Lord Lieutenant of the Counties of Somerset, and  
} the East Riding of the County of York, except the  
} Town of Kingston upon Hull, and the County of  
} same.

[Patent Roll, 1. James II, part 7. No. 16].

**SOMERSET,** 11. Aug, 3. James II ; Henry, Lord Waldgrave,\* Lord  
Lieutenant of the County of Somerset—Clause re-  
voking Commission of Lieutenancy to Charles, Duke  
of Somerset, dated 26. Feb. 1. Jas. II.  
[Patent Roll, 3. James II, part 7. No. 12 (in dorso)].

**SOUTHAMPTON,** and  
**RUTLAND.** } 25. March, 1. James II ; Edward, Earl of Gains-  
borough, and Wriothesley Baptista, Viscount Camp-  
den, Lords Lieutenant within the Counties of South-  
ampton and Rutland.

[Patent Roll, 1. James II, part 1. No. 15].

**SOUTHAMPTON,** 24. Dec, 3. James II ; James, Duke of Berwick, Lord  
Lieutenant of the County of Southampton ; vice  
Edward, Earl of Gainesborough and Wriotheslie  
Baptista, Lord Noell—Clause releasing him from the  
obligation of taking the oaths of Supremacy and  
Allegiance, and subscribing the Tests required by the  
Act 25. Chas. II. &c., &c.

[Patent Roll, 3. James II, part 10. No. 6. (in dorso)].

**STAFFORD,** 16. March, 1. James II ; Charles, Earl of Shrewes-  
bury, Lord Lieutenant of the County of Stafford, and  
of the city of Litchfield, and county of same, during  
pleasure.

[Patent Roll, 1. James II, part 1. No. 28].

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\* See foot-note to p. 18 *postea*.

- STAFFORD, 2. Sept, 3. James II; Robert, Lord Ferrers, Lord Lieutenant of the County of Stafford—Clause revoking Commission of Lieutenancy to Charles, Earl of Shrewsbury, dated 16. March. 1. Jas. II.  
 [Patent Roll, 3. James II, part 8. No. 5 (in dorso)].
- STAFFORD, 19. Nov, 3. James II; Gualter, Lord Aston, Lord Lieutenant of the County of Stafford, and the city of Litchfield, and county of same—Clause releasing him from the obligation of taking the oaths of Supremacy and Allegiance, and subscribing the Tests required by the Act 25. Chas. II. &c., &c.  
 [Patent Roll, 3. James II, part 10. No. 1 (in dorso)].
- SUFFOLK, 6. May, 1. James II; Henry, Duke of Grafton, Lord Lieutenant of the County of Suffolk.  
 [Patent Roll, 1 James II., part 1, No. 12.]
- SUSSEX, 9. April, 1. James II; Charles, Earl of Dorset and Middlesex, Lord Lieutenant of the County of Sussex.  
 [Patent Roll, 1. James II, part 1. No. 22].
- SUSSEX, 28. Feb, 4. James II; Francis, Viscount Montague, Lord Lieutenant of the County of Sussex; vice Charles, Earl of Dorset and Middlesex—Clause nominating William Marquis of Powys, to be Lord Lieutenant during the absence in foreign parts of Francis, Lord Viscount Montague on private affairs, and no longer—Clause releasing them both from the obligation of taking the oaths of Supremacy and Allegiance, and subscribing the Tests required by the Act 25. Chas. II., &c., &c.  
 [Patent Roll, 4. James II, part 3. No. 6].
- TOWERHAMLETS, 29 June, 1. James II; George, Lord Dartmouth, Lord Lieutenant of the Hamlets of the Tower of London, called or known by the several names of Hackney, Norton Folgate, Shoreditch, Spittle Fields, White Chappell, Trinity, Minories, East Smith Field,

Tower without, Tower within, St. Katherine's, Wapping, Ratcliffe, Shadwell, Lymehouse, Poplar, Blackwall, Bromley Bow, Oldford, Mile-end, and Bethnall Greene, Middlesex.

[Patent Roll, 1 James II, part 1, No. 19].

**WARWICK, and** } 11. April, 1. James II; Robert, Earl of Sunderland,  
**City of COVENTRY,** } Lord Lieutenant of the County of Warwick, and City  
                          of Coventry, and the County of the same City; during  
                          the minority of George, Earl of Northampton.

[Patent Roll, 1. James II, part 1. No. 4].

**WARWICK,**      } 29. March, 2. James II; George, Earl of Northamp-  
                  and      } ton, Lord Lieutenant of the County of Warwick, and  
**City of COVENTRY,** } the City of Coventry and county of same.

[Patent Roll, 2. James II, part 5. No. 3 (in dorso)].

**WARWICK,**      5. Dec, 3. James II; Robert, Earl of Sunderland,  
                          Lord Lieutenant of the County of Warwick, and the  
                          city of Coventry, and County of same; vice George,  
                          Earl of Northampton.

[Patent Roll, 3. James II, part 10. No. 4 (in dorso)].

**WESTMORLAND**      } 3. March, 1. James II; Thomas, Earl of Thanet,  
                  and      } Lord Lieutenant of the Counties of Westmorland and  
**CUMBERLAND,**      } Cumberland; during pleasure.

[Patent Roll, 1. James II, part 1. No. 14].

**WESTMORLAND**      } 29. Aug, 3. James II; Richard, Viscount Preston,  
                  and      } Lord Lieutenant of the Counties of Westmorland and  
**CUMBERLAND,**      } Cumberland—Clause revoking Commission of Lieu-  
                          tenancy to Thomas, Earl of Thanet.

[Patent Roll, 3. James II, part 8. No. 4 (in dorso)].

**WILTSIRE,**      3. March, 1. James II; Thomas, Earl of Pembroke  
                          and Montgomery, Lord Lieutenant of the County of  
                          Wilts.

[Patent Roll, 1. James II, part 1. No. 23].

WILTS,

2. March, 4. James II ; Thomas, Earl of Pembroke and Montgomery, and William, Earl of Yarmouth, and either of them, Lords Lieutenant of the county of Wilts\*—Clause releasing them from the obligation of taking the oaths of Supremacy and Allegiance, and subscribing the Tests required by the Act 25. Chas. II., &c., &c.

[Patent Roll, 4. James II, part 3. No. 5.]

WORCESTER  
Co. & CITY OF WORCESTER, AND  
CITY AND TOWN OF KINGSTON UPON HULL AND COUNTY OF THE SAME,

13. March, 1. James II ; Thomas, Earl of Plimouth, Lieutenant of the County of Worcester, and City of Worcester and County of same ; and of the Town of Kingston upon Hull, Co. York, and County of same.

[Patent Roll, 1. James II, part 1. No. 17].

WORCESTER,

19. Nov, 3. James II ; Francis, Viscount Carrington, Lord Lieutenant of the County of Worcester, and city of Worcester, and county of same—Clause releasing him from the obligation of taking the oaths of Supremacy and Allegiance, and subscribing the Tests required by the Act 25. Chas. II., &c., &c.

[Patent Roll, 3. James II, part 10. No. 3 (in dorso)].

NORTH RIDING

YORK,

13. March, 1. James II ; Thomas, Viscount Fauconberg, Lord Lieutenant of the North Riding of the County of York.

[Patent Roll, 1. James II, part 1. No. 29].

NORTH RIDING

Co. YORK,

19. Nov, 3. James II ; Charles, Viscount Fairfax, Lord Lieutenant of the North Riding of the County of York—Clause releasing him from the obligation of taking the oaths of Supremacy and Allegiance, and subscribing the Tests required by the Act 25. Chas. II., &c., &c.

[Patent Roll, 3. James II, part 10. No. 2 (in dorso)].

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\* See foot-note to p. 18 *postea*.

**WEST RIDING  
YORK &c.,**

} 7. March, I. James II; Richard, Earl of Burlington and Corke, Lord Lieutenant of the West Riding of the County of York, and the City of York and County of same, and le Ansty alias Aynstie of York.

[Patent Roll, I. James II, part I. No. 26].

**WEST RIDING  
Co. YORK,**

} 23. March, 4. James II; Thomas, Lord Howard, Lord Lieutenant of the West Riding of the County of York, and of the City of York, and county of same, and le Ansty alias Aynstie of York, during pleasure; vice Richard, Earl of Burlington—Clause releasing him from the obligation of taking the oaths of Supremacy and Allegiance, and subscribing the Tests required by the Act 25. Chas. II., &c., &c.,

[Patent Roll, 4. James II, part 3. No. 3].

**EAST RIDING  
of  
YORK,**

} 13. Oct, 3. James II; John, Earl of Mulgrave, Lord Lieutenant of the East Riding of the County of York, except the town of Kingston on Hull—Appointment of Charles, Duke of Somerset, dated 26. Feb. I. Jas. I. revoked.

[Patent Roll, 3. James II, part 9. No. 12].

**EAST WEST &  
NORTH RIDING  
Co. YORK,**

} 5. Oct, 4. James II; Henry, Duke of Newcastle, Lord Lieutenant of the East, West, and North Ridings of the County of York, and of the City of York and the Ainstie of York.

[Patent Roll, 4. James II, part 10. No. 3 (in dorso)].

**NORTH WALES,  
SOUTH WALES,**

} 28. March, I. James II, Henry, Duke of Beaufort,\* Lord Lieutenant of the several Counties of North Wales and South Wales,

\* A letter from Lord Preston to the Duke of Beaufort, dated London, 5th Nov. 1688, shortly before his expiration of office, gives additional proof of the King's anxiety as to his Lords L<sup>t</sup>, and their further removals. It runs thus:—"My Lord Stawell is made Lord Lieutenant of *Somersetshire* in place of my Lord Walgrave, and I believe there will be an alteration speedily in *Wiltshire*. My Lord Delaware is

MARCHES of WALES,  
TOWN of HAVERFORDWEST,  
TOWN of CARMARTHEN, and  
COUNTIES of GLOUCESTER,  
HEREFORD, & MONMOUTH,  
and CITIES of GLOUCESTER,  
and BRISTOL.

and the Marches of the same, and of the  
Town of Haverfordwest, and the County  
of same, and of the town of Carmarthen,  
and county of same, and of the Counties  
of Gloucester, Hereford, and Monmouth,  
and Cities of Gloucester, and Bristol, and  
the Counties of same.†

[Patent Roll, 1. James II, part 1. No. 6].

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Lord Lieutenant of *Hampshire* in the place of the Duke of Berwick." We add the remaining portion of the letter, as it fixes the time:—"We have this afternoon advice that the Prince of Orange hath been seen with his fleet upon the coast of Devonshire, and his Majesty hath commanded me to let your grace know that he is sending troops towards you at Bristol, which are now upon their march." [Hist. MS. Com., 7, p. 348.]

† We notice one omission in the foregoing list, viz., Purbeck (or Purbeck Island), which at that date formed a distinct Lieutenancy, and was delegated to Henry, Duke of Beaufort (as above). [Rawl. MS. 139A].

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## Cumberland and Westmorland.



# Penal Laws and Test Act;

PROPOSED REPEAL OF THE SAME IN 1687-8;

*Propounded by King James II., to all the Deputy Lieutenants and Magistrates in Cumberland and Westmorland; with their several Answers thereto.*

[From the Original State Papers in the Bodleian Library.]\*

THE Penal Laws and Test Act, the subject of the present pages, point to an epoch in the history of this country of the greatest possible interest. To those of the present age, both are, in every sense, a "thing of the past," and now that their repeal and the toleration of all sects is an accomplished fact, we can scarcely regard the matter properly from our present altered position; we cannot enter with requisite spirit into the feelings of our forefathers with regard to their injustice, or sufficiently appreciate the hardships with which they pressed upon those of the Roman Catholic and Dissenting community; whilst, on the other hand, we cannot adequately value the stubbornness and inflexible tenacity of those who persisted in maintaining them as the chief anchor of their religious liberties. The time at which the Test Acts were introduced was, as it were, a turning point in the established religion of the kingdom. Too near to the Reformation, and still nearer to the subsequent return to Popery under Queen Mary, and its attendant horrors, it seemed necessary to impose a barrier to the possible re-establishment of the Romish Church; but under the disguised tendency to Catholicism on the part of the House of Stuart, and its open avowal by King James II., previous to the passing of the Act of 1673, being then Duke of York, it became not only

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\* Reprinted with additions from "The Transactions of the Cumberland and Westmorland Antiquarian Society."

still more desirable, but imperative, to retain those wholesome restrictions on the development of a faith, not tolerated by the masses of the people.

The obligations of the Test Act, which had been passed in the last reign, (25 Charles II.) are well known. They required every person holding any office, civil or military, not only to take the oath of allegiance and supremacy, but that he should receive the sacrament in the form prescribed by the Church of England, or be incapable of receiving or retaining such office. Hence it happened that James II., who had become a Catholic when in exile during the Commonwealth, but had not actually avowed his religion until 1671, was thus obliged to throw up his different appointments. The Parliamentary Test, which was adopted in 1678, excluded every Catholic from Parliament.\* These Acts continued in force until the reign of George IV.; the Catholic Emancipation Bill, which passed in 1829, removing their disabilities.

From the commencement of his reign, James II. seems to have been bent upon restoring the Catholic religion, and carrying (by parliamentary means if possible), the repeal of the Test and Penal Statutes; not for the real liberty of the subject, as from the free use of the words "Liberty of Conscience" might *prima facie* appear, but manifestly for the furtherance of his Catholic designs and aims at arbitrary power. By virtue of his Prerogative, he issued, in 1687, his "Declaration of Toleration and Liberty of Conscience," (which will be found repeatedly alluded to in the ensuing pages), with his Instructions for the election of members of Parliament, dispensing thereby with all oaths and tests, and admitting the Catholics to Parliament.† He afterwards published a second "Declaration of Indulgence,"

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\* A previous Test Act had been passed, 13 Charles II.; and another Test, of an opposite character, tending to the introduction of the Church of Rome into Scotland, was imposed by the Scotch Parliament in 1681, to which reference will be found at the close of this volume.

† Fawc. MS., A, 139b, fo. 105.

exactly twelve months after, in April, 1688, much to the same purport, but on this occasion he commanded it be read in the churches. One archbishop and eight bishops\* refused to distribute this Declaration to their clergy, or to have it read from the pulpit, and seven of them were in consequence committed to the Tower ; the grounds on which they acted being, that the same was "illegal," and contrary to the decision of Parliament in 1662 and 1672†. The King's Instructions to the Judges of assize, proceeding on circuit that summer, sought to palliate his conduct in respect of the bishops' imprisonment, which had caused such indignation throughout the country,‡ and although ostensibly introduced as a secondary matter, was, in fact, the pith of these instructions, for the King evidently felt that he had gone somewhat too far.

\* The bishops were : Canterbury, Ely, Peterborough, Norwich, St. Asaph, Bath and Wells, Bristol, and Chichester. Their protest was framed in these words :—  
" We are not averse to the publishing of the Declaration, out of want of due tender ness towards Dissenters, with whome wee shall be willing to come to such a temper as shall be thought fitt when the matter comes to be settled and considered in parl'mt. But the Declaration being founded on such a dispensing power as may at pleasure sett aside all law, ecclesiastical or civil, appears to us illegall, and did soe to the parl'mt of 72, and it is a point of soe great consequence, that we cannot soe farre make o'relves p'ties to it, as the reading of it in the churches at ye time of divine service will amount to.

(Signed)      Canterbury,  
                    Ely,  
                    Peterborow,  
                    &c. &c. &c.

This was delivered to ye  
King, May 7 1688  
by these Bps  
[Rawl. M.S., C. 798, 368b.]

† Rawl. MS. C. 798, 368b. ; C. 735, 3.

‡ The paragraph in the Instructions to the judges runs thus :—" His Ma<sup>t</sup>e does more particularly expect and require that both in your charges and discourses, you use your utmost endeavours to satisfy all persons, that y<sup>e</sup> late proceedings agst the Bishops, was not in the least intended upon the acc<sup>o</sup>t of their religion, His Ma<sup>t</sup>e being fully resolved to maintaine all his gratiotous promises to all his subjects in the Church of England, w<sup>ch</sup> he has made in his Declaration. But because they did by a seditious petition offer'd to his Ma<sup>t</sup>e, Question his Royall authority for granting liberty of conscience to all other his lo<sup>r</sup> subjects in the free exercise of their religion, w<sup>ch</sup> his Ma<sup>t</sup>e is fully resolv'd to maintaine, as well as his Royall Prerogative, upon which the same is founded, and doubts not to prevale to establish the same by a law at the next meeting of his Parliam<sup>t</sup>, notwithstanding all the opposition that either has, or shall be made, to prevent a work that is so much for the publick good, and common advantage of all his kingdom." [Miscellaneous State Papers; Rawl. MS. A., 289, fo. 289 ; see also Tanner MS. in Gutch's Collectanea Curiosa].

The Lords-Lieutenant of the different counties had been called upon, not long before, to put certain interrogatories to all the Deputy Lieutenants and Magistrates in their respective Lieutenancies, touching their private sentiments in respect to these Penal Laws and Test Act. This measure of canvassing those, who were likely to be members of any future Parliament he might wish to convoke, the King considered extremely desirable, as bearing a semblance of that constitutional authority, which he had hitherto so thoroughly disregarded, previous to any future elections, when he hoped to carry the repeal of these statutes by a Parliament more disposed to meet his views, than the one he some time back indefinitely prorogued.

The imprisonment of the bishops, however, and a few other false steps were fatal and conclusive as to the general discontent and feeling of the kingdom, and were the forerunner of that crisis, brought about not long after, which by hastening the subsequent Revolution, lost him his Throne.

The Questions which had been propounded to all the several magistrates and freeholders by the Lords Lieutenant of counties, did not meet with the anticipated success. The Answers were for the most part, (except in some of the more Catholic counties, Lancashire, etc.,) averse to the repeal of the Test and Penal Laws ; many counties answered entirely in the negative ; and many of the Lords Lieutenant refused to put the questions at all. Lord Preston, who had been put in the room of the Earl of Thanet, displaced for this cause, reported very indifferently of Cumberland and Westmorland, and thus the King's endeavours to gain over these parties were completely frustrated, for as soon as the Questions got abroad, (according to Macaulay), there was joint action taken by the entire magistracy as to their several Answers. The measure, consequently, of re-modelling the corporations and constituencies, which had been taken in connection with these Questions, [See the King's Instructions (postea) among Lord Preston's papers], was at once put in force. Returns of all Catholics and Dissenters in the various counties and corpora-

tions, who were considered fit to replace existing magistrates, &c.. were made out ; the charters of the corporations in many cases annulled ; and the qualification of electors examined, to the complete exclusion of such as adhered to the Test and Penal Statutes. Notice was, in fact, given in the LONDON GAZETTE (of December 11th, 1687), that the lists of the Justices and Deputy Lieutenants would be revised. Those Deputy Lieutenants and Magistrates who had shown themselves, by their Answers, averse to the king's wishes, were struck out, and replaced by others (Catholics or Dissenters) more amenable to his views. These Returns and Answers, in most cases ORIGINAL, are embodied in one of the Rawlinson MSS. in the Bodleian, and the latter are both instructive and interesting, taken in connection with the history of England at that time. They show the disposition and feeling of the country gentlemen and corporations at that critical juncture, for it was simply a question whether by retaining the Penal Laws and Test Act, the established religion of the country was to be maintained, or by their repeal, an eventual, but certain, return to Popery and arbitrary government.

It is solely, however, with the circular Questions propounded on that occasion to the Cumberland and Westmorland magistracy, that we have in reality to deal, or rather the Answers of these latter, for although the Corporations and constituencies, and general Parliamentary interests were secretly canvassed, and Returns sent in reporting on the same from nearly every county in England and Wales,\* we find no Returns on these heads for Cumberland and Westmorland,—the counties under consideration,—neither have we any precise knowledge of their having been put in force at all in their case.

The Catholic element (assumed or in disguise,) was probably rather stronger in the Northern counties, than in other parts of the kingdom, if we except Lancashire, and this may account

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\* See the Yorkshire and Wiltshire Returns.

for the absence of such confidential Returns, and the larger amount of original correspondence from that quarter, remaining to this day. The last-named county was one to which James II. looked with some anxiety, as he did probably to Westmorland and Cumberland, of which Lord Preston had just been appointed the Lieutenant, who, being in his own county at this time, was no doubt privately, as well as publicly, working in the King's behalf.\* In the case of these two counties, the replies to the interrogatories in question, will appear partly to have been addressed to him by letter, and partly handed in at the meeting convened by him to receive them.

Sir John Dalrymple,† in his "Memoirs of Great Britain," has the following passage on this very identical matter :—" In Lord Preston's copy-book of dispatches there is the following order :—

"That the Lord-Lieutenant of the counties of Cumberland and Westmorland, do call before him, all the deputy-lieuts and justices of the peace, within his lieutenancy, either jointly or separately, as he shall think fit, and ask them one by one, the following questions."

*[These correspond verbatim with those given in continuation presently.]*

"As he shall ask these questions of all deputy-lieutenants and justices of the peace, so he shall particularly write down what every one answers, whether he consents, refuseth, or is doubtful.

\* Sir Daniel Fleming of Rydal, one of the Magistrates who attended the meeting at Penrith convened by the Lord-Lieutenant, has left a narrative of the proceedings, and correspondence which passed between Lord Preston, himself and others. The matter is related by Burn (Westmorland, i., 165 *et seq.*), and in it Lord Preston is said to have been recently nominated Lieutenant of Cumberland and Westmorland, in place of the Earl of Thanet, removed by James II. The MS. among the Rawlinson Collections, whence the original replies handed in on this occasion, have been extracted, names Edward, Earl of Carlisle, as the then Lord-Lieutenant. We have thus evidence of three Lords-Lieutenant in rather less than as many years for these two counties, and of the peremptory manner in which they were superseded. Lord Preston, however, as a *persona gratissima* to King James, and shortly to become a Principal Secretary of State, and in his own county of Cumberland, was more particularly suited to forward the King's interest in those parts than any other, and the ultimate result from these reputed Catholic counties was doubtless proportionably mortifying to the King.

† Memoirs of Great Britain, by Sir John Dalrymple, Bart., 1771; ii., Appendix to part i., p. 223.

"That he likewise do bring to the King as good an account as he can, of all the several corporations within the lieutenancy. What persons, of such as are willing to comply with these measures, have credit enough of their own to be chosen parliament-men, or may be chosen, if assisted by their friends.

"And lastly, what Catholics, and what dissenters are fit to be added, either to the list of deputy-lieut<sup>ts</sup> or the commission of the peace, throughout the said lieutenancy."\*

We are not aware that these Instructions are elsewhere published, so that they bear very pointedly on the subject under consideration.

In pursuance of these orders, (as already observed), a meeting was convened by the Lord Lieutenant at Penrith, in January 1687-8, and it would seem from the fact of many of the letters being addressed to Lord Preston,<sup>†</sup> that some of the county magistrates were PURPOSELY absent from it. In other respects, the several Replies were handed in personally, in writing, at the time. That some did not attend this meeting is shown by the list given in the sequel, and the causes are noted for their non-attendance. The MS. volume (above alluded to), embraces the Answers on this same subject from most of the counties in England and Wales, but in no case does the number handed down to us exceed, or even approach to, that of Cumberland,

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\* In Mr. Graham's possession at Netherby (Dalrymple).

† Sir Richard Graham of Esk, Bart., was advanced in 1680 to the Peerage of Scotland, as Viscount Preston of the county of Haddington, and took his seat in the Scotch Parliament accordingly. He was son of Sir George Graham and the Lady Mary Johnston, daughter of James, first Earl of Annandale; had married Anne, daughter of the first Earl, and sister of Edward, then Earl of Carlisle, and had been for many years the English ambassador at Paris, and shortly after these events became James II.'s Principal Secretary of State in succession to Robert, Earl of Sunderland. He was one of the Council of Catherine, the Queen Dowager, as also of Mary of Modena, Queen of James II.; Keeper of the King's Robes; and had been M.P. for Windsor in 1685. At the Revolution he was committed to the Tower, but though soon released, was subsequently arraigned for high treason, being, according to Dalrymple (*ut antea*), concerned in the second conspiracy against the Government in 1691, for which he was condemned to be executed, but escaped the sentence by informing against his associates. [Dalrymple, *Memoirs of Great Britain*, i., 167, *et seq.*]

of which it will be seen there are thirty-nine existing AUTOGRAPH Answers to these interrogatories ; whilst the documents being in each case (as observed) ORIGINAL, they carry with them an additional interest, apart from their historical value.

The propounded Questions having in view the forthcoming elections, whenever the King might be disposed to call another Parliament,\* it is highly interesting to peruse the spirit in which they were received ; some answering one way, some another ; the greater part in decided concert ; speciously or evasively, as suited the purpose. The Cumberland and Westmorland magistrates, however, appear, on the whole, to have fallen in more than others with King James's views, but in most parts of the country, as the Returns show, a considerable opposition was manifested to the King. In fact, as a rule, throughout the kingdom, the Answers were chiefly in the negative.

The position which the respondents then held in the counties under consideration, the indirect importance of their Replies to the interrogatories, and the peculiar interest which must attach to the authenticity of these answers, written by their own hands, in respect of many of the writers' descendants, not yet withdrawn from the scene, (among others, the families of Lowther, Muncaster, Musgrave, Curwen, Fleming, Salkeld, Howard of Corby, Lawson, Fletcher, Graham, Dykes, Wilson of Dallam, and others,) makes the verbatim insertion of them at length in these pages, a matter of especial value to them, apart from antiquarian considerations, and we therefore at once proceed, after these remarks, to recapitulate the different entries.

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\* In his second Declaration he promised to call a Parliament in November.

### The King's Instructions.

Three Questions propounded by the Lord-Lieutenant of the counties of Cumberland and Westmorland, to the Deputy-Lieut<sup>s</sup> and justices of the peace within his Lieutenantcy, one by one, in pursuance of his Ma<sup>ties</sup> Instructions and commands, signified by a letter from the Lord President, dated 25th Octr. 1687, together with their several names, to whom the questions were proposed, and their respective answers to every particular question.

1. If in case he shall be chosen Knight of the Shire, or burgess of a town, when the King shall think fit to call a Parliament, whether he will be for taking off the Penal laws and the Tests.
  2. Whether he will assist and contribute to the election of such Members, as shall be for taking off the Penal-laws and the Tests.
  3. Whether he will support the King's Declaration for Liberty of Conscience, by living friendly with those of all persuasions, as subjects of the same Prince, and good Christians ought to do.
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### Deputy-Lieutenants and Justices of Peace.

Deputy-Lieutenants and Justices of the Peace for the County of Cumberland [1687-8] :—

- S<sup>r</sup> Christopher Musgrave, of Edenhall, K<sup>nt</sup> & Barr<sup>t</sup>.
- S<sup>r</sup> Geo. Fletcher, of Hutton, Barr<sup>t</sup>.
- S<sup>r</sup> William Pennington, of Muncaster, Barr<sup>t</sup>.
- S<sup>r</sup> Wilfred Lawson, of Isell, K<sup>nt</sup>.

Justices of the Peace, onely :

- S<sup>r</sup> John Lowther, of Whitehaven, Barr<sup>t</sup>.
- S<sup>r</sup> Richard Musgrave, of Hayton, Barr<sup>t</sup>.
- S<sup>r</sup> Francis Salkeld, of Whitehall, K<sup>nt</sup>.
- S<sup>r</sup> John Ballantine of Crookedake, K<sup>nt</sup>.
- Francis Howard of Corby, Esq, Gov<sup>r</sup> of Carlisle.
- John Aglionby of Drawdykes, Esqr.
- Thomas Warwicke of Warwick Bridge, Esqr.
- Henry Dacre of Leonard Coast, Esqr.

Andrew Huddleston, of Hutton John, Esqr.  
 Edward Hasell of Dalemaine, Esqr.  
 Anthony Hutton of Gale, Esqr.  
 Henry Browham of Skailes, Esqr.,  
 Thomas Dalston, Esqr.  
 Christopher Richmond, of Catterlen, Esqr.  
 John Skelton of Thorntwaite, Esqr.  
 Thomas Denton of Warnall, Esqr.  
 Leonard Dykes of Warthole, Esqr.  
 Charles Orfeur of High Close, Esqr.  
 Richard Tolson of Wath, nigh Wakefield in Yorkshire, Esqr.  
 John Lamplugh of Lamplugh, Esqr.  
 Richard Lamplugh of Ribton Esqr.  
 Richard Patrickson of Calder Abbey, Esqr.  
 John Senhouse of Seascale, Esqr.  
 Henry Curwen of Workington, Esqr.  
 Edward Stanley, of Dalegarth, Esqr.  
 William Fletcher of Morresby, Esqr.  
 Miles Pennington of Seaton, Esqr.  
 William Christian of Southwaite, Esqr.  
 John Errington of Beefront, Esqr.  
 Thomas Salkeld, Esqr.  
 John Aglionby junr. Esqr.  
 — Skelton, Esqr.\*  
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### Answers.

[The following AUTOGRAPH Answers were personally handed in, in writing, at the meeting at Penrith, January 25th, 1688.]†

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\* This list is incomplete; the following names are absent:—Sir John Lowther of Lowther (afterwards Viscount Lonsdale); Sir Christopher Philipson; William Sandford; Edward Musgrave; Christopher Dalston; William Fleming; Thomas Braithwait; John Dalston; Edward Wilson of Dallam Tower; John Fisher; Thomas Fletcher.

† See p. 49, postea.

[*Answer of Sir George Fletcher, of Hutton, Bart.*]\*

1st It is humbly my opinion that the first Question is more proper for the consideration of a Parl<sup>t</sup>, then (*sic*) a private meeting of country gentlemen, whoe not having liberty to debate, are unable to arrive at a true understanding of the conveniences or inconveniences that may attend this Quest:, but whenever his Majesty shall be pleased to call a Parliam<sup>t</sup>, if the Gentry and Freeholders of this county will doe me the honr, to let me serve them as one of theire members, I shall endeavour to discharge my deuty to my God, my King, and country, as well as my conscience and judgment can direct me.

2<sup>d</sup> As to the second Quest: wherever I am an Elector, and that such persons are present, with whom I think I may with confidence trust my Religion, Liberty, and Property, they shall freely be my choice.

3<sup>d</sup> I have ever been of The King's opinion that Conscience ought not to be forced, and when I was a Member of Parl<sup>t</sup>, did act accordingly, and it is my desire, as it shall be endeavour to live friendly with men of all persuasions.

\* In these *Original* letters the spelling has been strictly adhered to, and it is curious to observe how very much more illiterate some of the parties seem to have been than others, judging from their shortcomings in this respect. Throughout, "several" is used for "different," and "of" for "off;" and some twelve or more magistrates must have had a common understanding among themselves to hand in the *same* answer. The endorsements are in a coeval hand, apparently that of Lord Preston.

<sup>†</sup> Not quite a year after these events, viz., in December 1688, after the landing of the Prince of Orange, one of the extraordinary measures proposed to himself by the King was to call a Parliament at that critical juncture. The following are two letters from Lord Preston (then Home Secretary) to Sir George Fletcher and Sir Christopher Musgrave:—

Lord Preston to Sir George Fletcher at Hutton:—" You will have notice from all hands by this post that the King hath ordered writs to be issued for a Parliament, which are to be sealed upon Monday next, to be assembled upon the 15<sup>th</sup> of Jan. next. I hope you will be mindful of my brother James [Graham] as to Carlisle; he hath written to you, to Sir Christopher, and to the city by this post (Dec. 2<sup>d</sup>), and I have written to Sir Christopher [Musgrave] etc., etc.

Lord Preston to Sir Christopher Musgrave, at Eden Hall (Dec. 3<sup>d</sup>)—Mentions the proposed assembling of Parliament, and asks assistance towards the electing of his (Preston's) brother James for one of the citizens of Carlisle.

[Sir F. Graham's Papers; Hist. MS. Com vii, 350.]

[Answer of Sir William Pennington,\* of Muncaster, Bart.]

To the first question, if I be a parliament man I shall give my vote for the taking away the penal laws and test, so far as not to prejudice the Church of England.

To the second question, I shall give my assistans for the electing of such members as I hope will concur with the King in all things reasonable.

To the third question, I declare I was always of opinion that none ought to be restrained of Libertye of Contiens ; and that I never designe to live otherways then freindly with persons of all persuasion.

(Signed), Wm: PENNINGTON.

[Answer of Sir Richard Musgrave, of Hayton, Bart.]

1<sup>st</sup> When I shall be elected a member of Parliament as I believe I never shall, I will referr my opinion to the house, as far as it tends to the Publicque good.

2<sup>d</sup> I shall always give my assistance towards the electing such members of Parliamt, and support the Protestant religion as it is now by law established.

3<sup>d</sup> I doe very well approve of the King's Declaration of Indulgence, & shall endeavour to live friendly and peaceably with men of all persuasions, as becometh every good Christian, Provided they demean themselves in noe wise contrary to law.

(Signed),

R: MUSGRAVE.

[Answer of Sir John Lowther, of Lowther, Bart., afterwards Viscount Lonsdale.] †

1 If I be chosen a Member of Parliament I think myself obliged to refer my opinion concerning the taking away the Penal Laws and Tests, to the Reasons that shall arise from the Debate of the hous (sic).

\* Ancestor of the present Lord Muncaster.

<sup>†</sup> Cousin to another magistrate of the same name, Sir John Lowther, of Whitehaven; and direct ancestor of the present Earl of Lonsdale.

2 If I doe give my interest ffor any to serv in Parliament, it shall be ffor such as I shall think Loyall, and well affected to the King and the Established Government.

3 I will live ffriendly with those of severall Perswasions, as a Loyall subject and a good Christian ought to doe.

(Signed),

JOHN LOWTHER.

*[Answer of Sir Francis Salkeld, of Whitehall, Knight.]*

To the First, were I a member of parliament, I would most certainly give my vote for takeing away the Penall Laws and Tests.

To the Second, I will not give my vote for Election of any that I have not a confidence in will not be for takeing off the same.

To the Third, I am for supporting the King's declaration for Liberty of Conscience, and liveing peaceably amongst the rest of my fellow subjects : and wilbe ready upon all occasions (*sic*) to serve the King with Life and fortune.

(Signed),

FRA: SALKELD.

*[Answer of Sir John Ballantine, of Crookdake, Kt.]*

1 If I be chosen a member of parliament, I think myselfe obliged to referr my opinion conserning the takeing away the penall Laws and tests to the reasons that shall arise from the Debate of the house.

2 If I give my interest for any to serve in the next Parliament, it shall be for such as I shall thinke loyall and well affected to the King and the established government.

3 I will live friendly with those of severall p'swations as a loyall subject and a good Christian ought to doe.

(Signed),

J: BALLANTINE.

*[Answer of Sir Daniel Fleming, of Rydal, Knight.]*

If I be chosen a member of Parliament, I think myselfe obliged to refer my opinion concerning the takeing away the Penal Laws and Tests, to the Reasons that shall arise from the Debate of the House.

If I give my Interest for any to serve in the next Parliament, It shall be for such as I shall think Loyal and well affected to the King and the established government.

I will live friendly with those of several perswasions as a Loyal subject and a good Christian ought to doe.

(Signed),

DAN: FLEMING.

[*Answer of Sir Christopher Philipson, of Crook Hall, Knight.]*\*

If I be chosen a Member of Parliament, I think myselfe obliged to refer my opinion, concerning the takeing away the Penal Laws and Tests, to the Reasons that shall arise from the Debate of the House.

If I give my Interest for any to serve in the next Parliament, it shall be for such as I shall think loyal and well affected to the King and the established government.

I will live friendly with those of several perswations, as a Loyal subject and a good Christian ought to doe.

(Signed),

CHR: PHILIPSON.

Endorsed,  
S<sup>r</sup> Christopher  
Philipson  
his answer. }

[*Answer of John Aglionby of Drawdykes, Esq.]*

To ye 1<sup>st</sup>

I will consent y<sup>e</sup> t<sup>e</sup> penall Laws relating to Religion and y<sup>e</sup> Tests shall be repealed, conformably to his Ma'tys Declaration touching Liberty of Conscience.

To ye 2<sup>d</sup>,

I will vote for ye election of such persons as I think will consent that y<sup>e</sup> penall Laws relating to religion and y<sup>e</sup> Tests shall be repealed or aboli'sd.

To y<sup>e</sup> 3d,

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\* M.P. for Westmorland, 1681, and Knighted in that year.

I will endeavour to live peaceably w<sup>th</sup> all men (though of different persuasions in Religion), and I think itt my duty so to doe.

(Signed),

J: AGLIONBY.

Jan. 24 1684.

[*Answer of Francis Howard, of Corby, Esq.*]\*

To the first question proposed by your Lordship ; Were I a Member of Parliam<sup>t</sup> I would certainly bee for taiking away the Penall Laws and Tests.

To the Second, I will contributt to choose such members as will bee for the taiking off the Penall Laws and Tests and noe others.

To the Third, I will support the King's Declaration of Liberty of Conscience by liveing friendly with those of all persuasions.

(Signed),

FRANCIS HOWARD.

(Endorsed,) Francis Howard  
Esq. }

[*Answer of William Sandford, of Askham, Esq.*]

To y<sup>e</sup> 1<sup>st</sup> Question, Answer, I have no intention to attempt being chosen a member of parliamt, But if I were I should think myselfe obliged to defer ye giveing my of opinion concerning ye takeing away ye Penal Laws & Tests, untill I had heard ye Reasons yt should arise from ye Debate of ye House upon yt subject.

2 Q. A., When it shall be his Majesty's pleasure to call a Parlia<sup>mt</sup>, I will assist w<sup>th</sup> my Interest in electing such as I think are of undoubted Loyalty to ye King & well affected to ye Govern<sup>mt</sup>, as by Law established.

3 Q. A., I will endeavour to live friendly & in Amitie with all his Majesty's good subjects of w<sup>t</sup> perswation soe ever they be in Religion, as a good Christian ought to doe.

(Signed),

Wm: SANDFORD.

(Endorsed,) William Sandford, Esq. }

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\* Catholic.

*[Answer of Richard Patrickson of Calder Abbey, Esq.]*

To ye first Question,

I doe not esteem my selfe sufficiently qualified to serve in Parlement, nor doe I expect to be chosen, and for y<sup>e</sup> taking away the Penall Laws and Test, I doe leave y<sup>e</sup> matter (with great submission) to y<sup>e</sup> wisdome of y<sup>e</sup> King and Parlement.

To ye Second,

I will to y<sup>e</sup> utmost of my power contribute to y<sup>e</sup> electing such to serve in Parlement as will with all readyness and fidelity serve theire King and Country.

To y<sup>e</sup> third,

I doe heartly acquese (*sic*) in the King's Declaration for liberty of conscience, and will live with all that friendship and respect to all, as becomes a good Christian and most dutyfull subject.

(Signed)

RIC: PATRICKSON.

Endorsed,  
Richard  
Patrickson  
Esq.

*[Answer of Charles Orfeur of High Close, Esq.]*

If I should be chosen Knight of the Shire or a Burgess, I would be willing to take away the Penal Laws and Test.

I will conterbute (*sic*) to the election of such Members as I hope will oblige the King in all things.

I will promote the Kings Interest, and will live peaceably amongst my neighbours.

(Signed),

CHARLES ORFEUR.

(Endorsed),  
Charles  
Orfeur  
Esq.

*Answer of Thomas Denton, of Warnall, Esq.*

If I should be a Member of Parliamt I should think it expedient to referr mine opinion to the reasons that shall arise from the Debate of the House, relating to the takeing away the penall Laws and the Tests.

If I give mine interest, for any to serve as a Member in the next Parliament, I shall vote for such, as I shall conceive to be of Loyall principles: and fitt to serve his King, & Countrey.

I shall (as I have ever done) live friendly with those of several perswasions, as becomes a good Christian, and a loyal subject.

(Signed),

THO: DENTON.

[*Answer of Thomas Dalston, Esq., son of John Dalston, of Acornbank.*]

To ye first question propos'd by my Lord Preston, as for ye Tests I doe abominate them; & as for ye Penall Laws, I think there ought to be no preference even for religion or conscience, therefore were I a member of Parliamt, I would certainly be for takeing off ye Penall Laws & ye Tests, especially since his Majesty has been pleased to declare it a great & necessary work.

As for the ye 2<sup>d</sup> question, I will assist to ye election of such members as shall be for takeing off ye Penall laws and Tests, and to ye 3<sup>d</sup> question, I will doe as I would be done to, live friendly with his Majesties subjects of all perswasions, as being equally under his Majties care with my selfe, and support his Majties declaration.

(Signed),

THOMAS DALSTON.

(Endorsed),  
Thomas  
Dalston  
Esq. }

[*Answer of Edward Hasell, of Dalemaine, Esq.*]

1: If I be chosen a member of Parliament, I think myself obliged to referr my opinion concerning the taking away the Penall Laws and the Tests to the reasons that shall arise from the Debate of the House.

2: If I doe give my Interest for any to serve in the next Parliament, it shall be for such as I shall think loyal and well affected to the King and the established government.

3: I doe and will live friendly with those of several perswasions, as a Loyall subject and a good Christian ought.

(Signed),

ED: HASELL.

*[Answer to John Skelton,\* of Thornithwaite, Esq.]*

If I were chosen Kn<sup>t</sup> of the Shire or Burgess of a Towne, when the King shall thinke fitt to call a parliament, I would most willingly and freely be for taking of the penal Laws and Tests.

Secondly, I would most willingly and ffrealy assist and contribute to the Election of such members as shall be for takeing of the penall Laws and Tests.

Thirdly, the King's Declaration ffor liberty of conscience by liveing most friendly with those of all perswasions, as subjects of the same prince, I most willing (*sic*) and ffreely affirm and condescend too.

(Signed),

JOHN SKELTON.

*[Answer of Edward Musgrave, of Esq.]*

1<sup>st</sup> If I were a memb<sup>r</sup> of Parlem<sup>nt</sup> I think myself obliged to reffer my opinion to the reasons that shall arise from the debate of the house, concerning the abrogating of the tests and penal Lawes.

2<sup>d</sup> Ffor electing of Members of Parliam<sup>nt</sup> I shall make choyce of such as in my thoughts will be most servisable to y<sup>e</sup> King and the Kingdom in a Loyall way.

3<sup>ly</sup> I will live frindly w<sup>th</sup> with those of severall perswasions as a Loyall subject and a good Christian ought to doe.

(Signed),

EDW: MUSGRAVE.

(Endorsed),  
Edward  
Musgrave  
Esqr. }

*[Answer of Thomas Warwicke, of Warwicke Bridge, Esq.]*

To the 1<sup>st</sup> question,

If I were chosen a Member of Parliment, I would certainly be for takeing of the Penall Laws & the Tests.

To y<sup>e</sup> 2<sup>d</sup> question,

\* Catholic.

I will assist and contribute to my power to ye electing of such members as shall be for takeing of ye Penall Laws and the Tests.

To ye 3<sup>d</sup> question,

I wil endeavour to support his Majestyes Declaration for liberty of conscience, by liveing friendly with his Majestyes subjects of all persuasions.

(Signed),

THO: WARWICKE.

[Answer of Anthony Hutton, of Gale, Esq.]

1 If I be chosen a Member of Parliament, I think myselfe obliged to reffer my opinion concerning the taking away the Penall Laws & tests to the resons that shall arise from the Debate of the house.

2 If I give my interest for any to serve In Parliament, It shall be for such as I shall think Loyall and well affected to the King and estab- lished government.

3 I will live friendly with those of severall Parswasions as a Loyall subject and a good Christian ought to doe.

(Signed),

ANTH: HUTTON.

[Answer of John Errington, of Beefont, Esq.]

As to the first,

If I am chosen I will vote as his Majesty desires.

As to the second,

I shall use my utmost endeavours to choose such members as will be for repealing off the penall Lawes and Tests.

As to the third,

It has always been my principle and practice hitherto, and with Gods assistance I shall continue to live peaceably, and friendly with all my fellow subjects of which persuasion soever.

(Signed),

J: ERRINGTON.

[Answer of John Senhouse, of Seascailes, Esq.]

If I be chosed a member of Parlament, I think my selfe obliged to reffer my opinion, concerning the taking away the penall Lawes and Test, to the reasons that shall arise from the debate of the house.

2 If I give my Interest for any to serve in the next Parlament, it shall be for such as I shall thinke Loyall and well affected to the King and the established government.

3 I will live ffriendly with those of severall perswasions, as a Loyall subject and a good Christian ought to doe.

(Signed),

JO: SENHOUSE.

[*Answer of Henry Browham, of Skailes, Esq.*]

1 If I be chosen a member of Parliamt, I think myselfe obliged to refer my opinion concerning the takeing away the penal Lawes and Tests to the reasons that shall arise from the debate of the House.

2 If I give my interest for any to serve in the next Parliamt, it shall be for such as I shall think Loyall and well affected to the King and the establish'd governmt.

3 I will live friendly with those of severall p'swasions as a Loyall subject and a good Christian ought to doe.

(Signed),

HEN: BROWHAM.

[*Answer of Henry Dacre, of Leonard Coast, Esq.*]

As to the first question, I can not hope to have of the Honour to be chosen a member of parliment, but if I were, I should very ridally consent to his Maj'ty's desires, by giveing my vote for the repelling of y<sup>e</sup> penall Lawes and tests.

As to ye second, I shall very ridally employ what Interest I may have any where for the choyesing of such persons, to serve in parliment, when his Majesty shall [thin]ke ff [it] to call one, as I think he will compley with his Maig'ty desires in this matter ; and for liveing pessably with my fellow subjects of all persweationes, it has bene always both my principall and pracketis, to doe so, and I shall think my selfe obliged to doe the same, for the futer, as well in obeydiance to his Maig'ty, as to comply with the dowty of a chrstion.

(Signed),

HEN: DACRE.

Penrith ye  
24th Jennour 84.

*[Answer of Edward Stanley, of Dalegarth, Esq.]*

1 If I be chosen a member of Parliament I think my selfe obliged to refer my opinion concerning the takeing away the Penal Laws and the Test, to the reasons that shall arise from the debate of the House.

2 If I give my Interest for any to serve in the next Parliament, it shall bee for such as I shall think Loyall and well affected to the King and the established government.

3 I will live ffriendly with those of severall persuasions as a loyal subject and a good Christian ought to doe.

(Signed),

EDW: STANLEY.

*[Answer of Christopher Richmond, of Catterlen, Esq.]*

If I be chosen a member of parliament, I thinke my selfe obliged to refer my opinion concerning the takeing away ye pennall Lawes and the Testes to the Reasons that shall arise from ye debate of the house.

If I doe give my Interest for any to serve in ye next Parliment, It shall be for such as I shall think Loyall and well affected to the King and the established government.

I will live freindly with those of severall perswasions as a Loyal subject and a good Christian ought to doe.

(Signed),

CHRIS: RICHMOND.

*[Answer of William Fletcher, of Moresby, Esq.\*]*

I think he is no good subject, and neither loves his King nor govern<sup>mt</sup> who is not for complying w<sup>th</sup> his Majestyes desires in these Three questions proposed to me.

(Signed),

WILLIAM FLETCHER.

*[Answer of Christopher Dalston, of Millrigg, Esq.]*

If I be chosen a member of Parliament I think my selfe obliged to refer my opinion concerning the takeing away the Penall Laws and Tests, to the reasons that shall arise from the debate of the house.

\* Catholic.

If I doe give my interest for any to serve in Parliament, It shall be for such as I shall think Loyall and well affected to the King and established government.

I will live friendly with those of severall perswasions, as a Loyall subject and a good Christian ought to doe.

(Signed),

CHRISTO: DALSTON.

[*Answer of Miles Pennington, of Seaton, Esq.*]

If I be chosen a member of Parliament I thinke my selfe obliged to referr my opining concerning ye takeing away ye penal Lawes and Tests to ye Reasons yt shall arise from ye debate of ye house.

If I give my Interest for any to serve in ye next Parliamt, it shall be for such as I shall thinke Loyal and well affected, to ye King and ye establish'd government.

I will live friendly wth those of several perswasions, as a Loyal sub-ject, and a good Christian ought to doe.

(Signed),

MILES PENNINGTON.

[*Answer of William Fleming, (eldest son of Sir Daniel) of Rydal, Esq.*]

If I be chosen a member of Parliament ; I thinke my selfe obliged to refer my opinion, concerning the takeing away the Penal Lawes and Tests, to the Reasons that shall arise from the Debate of the House.

If I give my interest for any to serve in the next Parliament, it shall be for such as I shall think Loyal and well affected to the King and the established government.

I will live friendly with those of several perswasions, as a Loyal sub-ject and a good Christian ought to doe.

(Signed),

WILL: FLEMING.

[*Answer of Thomas Brathwait, of Ambleside, Esq.]\**

As to the First Question I finde myselfe oblige in Duty to God, obedience to my King, & Charity to my neighbour, to contribute all that

\* Catholic.

I can, to take off the Penall Laws and Tests, from which resolution I will (by God his assistance) never departe, wether I am a Member of Parliamt, or placed in any other circumstances, and more particularly finde an obligation incumbent upon me to applye the utmost of my endeavours for the takeing off the Tests, which are absolutely against the word of God, and contrived on purpose to destroy Monarchy, for which so many of my ancestors sacrificed their Estates and Lives, and as I am, and shall, ever be ready on all occasions to performe.

As for second, I will never give my vote for any person (through favour or affection) to be a member of Parliamt, whom I have not a very great assurance of, even almost certainly that he will give his vote for the takeing of the Penall Laws & Tests.

As for the 3d, I will with all my endeavours support the Kings Declaration for Liberty of Conscience, by liveing ffriendly with those of all perswasions, without envie, hatred or evill will, as every good Christian is obliged to do.

(Signed),

THO: BRATHWAIT.

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### Autograph Letters in reply to the Lord Lieutenant's Summons.

[*Answer of Sir Wilfred Lawson, of Isell, Knight.*]

My Lord,

In answer to the three Questions in yore now recd I make this returne.

That to ye ffurst, that in case I should be chosen Kn<sup>t</sup> of ye Shire or Burgesse of a Towne, when the King shall thinke fitt to call a Parliamt, I shall (God willing) be for takeing of ye penall Lawes and Tests.

To the second I will assist and contribute to ye Election of such Members as shall be for takeing off ye penall Lawes and Tests, to the best of my knowledge.

And to the Third, I will support ye Kings Declaration for liberty of conscience, by liveing friendly wth those of all p'swasions, as subjects

of ye same Prince and good Christians ought to do, by God's Assistance  
and shall Remaine

Yor Lord<sup>sps</sup>  
Most obliged & humble  
Servt

I sell 30th Jan :

(Signed),

WILFRID LAWSON.

87

(Addressed),

For  
The Honourd  
Richard Viscount  
Preston,  
These.

[Answer of Leonard Dykes, of Warthole, Esq.]

My very good Lord,

After ye tender of my humble service and dayly prayers for yor Lord-  
shipps health and prosperity, I presume wth yor lordshipps leave,  
humbly to offer these answers to yor Questions.

1<sup>st</sup> I do not desire ye penall laws or ye tests to be taken away or re-  
pealed,

2dly If his Majestie shall have occasion to call a parliament, I will  
give my vote for such members as are of known loyalty and integrity  
to his Majestie, and I shall rest satisfied wth their doeings in a parlia-  
mentary way.

3dly I shall endeavour to live at peace (and friendly) wth all men (as  
becomes a good Christian) of what christian perswasion soever, and  
testifie my selfe a loyall subject, who subscribs himselfe my Lord

Yor Lordshipps most obligeid  
and most humble Servt

Warthole ye 29

(Signed),

LEO : DYKES.

January (87)

(Endorsed) Leonard Dykes Esq his Answer.

(Addressed)

To Right honorable Richard Lord Preston  
att Huttonhall, these humbly offer.

Seal in Red Wax ; 3 cinquefoils ; crest, a lobster.

[*Answer of John Dalston, of Millrigg and Acorn Bank, Esq.*]

Right Honorable,

In obedience to your Lordshipps Letter, which I received late this evening, I humbly p'sent the inclosed paper, in answer to the questions. I had endeavored to have waited upon you at Penrith, had not my sonns told me that you had some thoughts of calling at Millrigg in your returne, an Honour which would have been highly valued by

Your Lordshipps  
most humble servant

Millrigg, (Signed), JOHN DALSTON.

January the 27th

1687.

(Addressed)

To the Right Hon'able  
the Lord Viscount Preston  
att Hutton in  
Cumberland,

These.

(Enclosure)

My Lord,

To ye 1 & 2, I doe not (in my weake Judgmt) thinke that the takeing away of the penall Lawes, would be for the gen'all good of this nation : those Laws being the great security and support of the government, And therefore I cannot in conscience either vote the takeing of them away, or give any vote to the electing of such Members as would take them away.

To ye 3, To live peaceably (under the Governt) with my fellow subjects of what perswasion soever, is a duty which I owe, both to God and the King, and I am steadfastly resolved (Deo volente) to performe it accordingly.

(Signed), JOHN DALSTON.

[*Answer of John Lamplugh, of Lamplugh, Esq.*]

Honred Sr

January 29th 87.

Such answers as the shortness of time, and my indisposition would p'mitt, inclosed is here sent you from

Yor Lordshipp's  
Humble Servant  
(Signed), JOHN LAMPLUGH.

(Enclosure)

To the ffirst p'posall, my age and disability of health hath so incapacitated me that I cannot be a Parliament man.

As to the second, if his Matie please to call a Parliament, I will endeavour such shall be chosen for representing, as have always been loyall, and will evidently God, and be well affected to the King and the established Government.

As to the Third, as his Mtie hath beene gratiouly pleased to give liberty of conscience to his subjects, of different perswasions, I shall endeavour to live friendly with them, as a good Christian, and a Loyall subject ought

(Addressed)  
ffor

(Signed),

JOHN LAMPLUGH.

The much Honred Richard Lord Preston  
att Hutton near Penrith  
These.

[*Answer of Edward Wilson, of Dallam Tower, Esq.*]

My Lord,

I had intended to have waited on yor Lordship, but was surprised with a sharpe fitt of sicknes on Sunday night last, and ame not yet able to gett out of my Chamber, & in answer to yors, both my age and infirmitie renders me uncapable to bee a Member of Parliament, but shall endeavour to elect an honest & loyall man to serve with the King in Parliament, and to live peaceably (as a good Christian ought to doe) wth all men, I ame

My Lord,

Yor Honrs most humble Servant,

Dallam Tower 27th

(Signed), EDW : WILSON.

Jan : 1687

(Addressed)

To ye right Honourable

Lord Preston,

These present.

[*Answer of John Fisher, of Stainebanckgreen, Esq.*]

My Lord,

Stainebanckgreen, Jan : 26  
1687.

Being indisposed in health I was p'vented of waiting on you at Penrith, for which I humbly begg your Lordships pardon : in answer to your propositions :

1<sup>st</sup> I think myself a very unfitting person to be chosen a Parliament man for a shire, or a Burgess for a Towne, therefore humbly beg the favour that supposition may be suspended.

2<sup>d</sup> I shall endeavour to contribute to the election of such men who may be for fulfilling his Majesties desires in takeing of ye Tests & Penal Laws.

3<sup>d</sup> I shall endeavour to support the Kings Declaration for liberty of conscience by liveing friendly with those of all p'suasions, as subjects of ye same Prince, and good Christians ought to do.

Yor Lordshipps most humble

(Addressed) (Signed) Servant JOHN FISHER.

For

The Right Honourable

my Lord Preston. these d.d

[Answer of Thomas Fletcher, (son of William Fletcher, of Moresby, Esq.)]

May it please yr Lordship,

In answer to the 3 Questions, wch is as followeth :

1<sup>st</sup> If in case I shall be chosen Knight of the Shire or Burgess of a Towne when the King shall thinke fit to call a Parliament, whether I will be for taking off the penal Lawes and Tests : to wch I answer as followeth, That I must waite the debate of the house concerninge the same matter, & if I finde the reasons there given for takinge away the sd laws & Tests to be convincinge, then I shall be for taking them away.

2<sup>d</sup> Whether I will assist and contribute to the election of such members as shall be for takinge of the penall Lawes and Tests : to which I answer, that I shall contribute to the election of such members as shall be Loyal & faithful to the King.

3<sup>d</sup> Whether I will support the King's Declaration for liberty of conscience by liveinge friendly wth those of all p'swasions as subjects of the same Prince and good Christians ought to doe : to wch I answer affirmatively, That I will endeavour to support the Kings Declaration for liberty of conscience by liveinge friendly wth those of all p'swasions as subjects of the same Prince, and as Christians ought to doe.

Yr Lordship's most

27th January

1687

(Endorsed)

Thomas Fletcher Esqr.  
his answer

humble Servt

(Signed), THO : FFLETCHER.

[*Answer of Richard Lamplugh, of Ribton, Esq.*]

My Lord,

I returne these answers to the 3 questions proposed in yor Lordship's letter :

To the first, viz. whether in case I shall be chosen Knt of the shire or Burgessse of some towne when the King shall thinke fitt to call a Parliment, whether I will be for takeing of the penall Lawes and Test,

My answer is Noe, unless I can see the protestant interest secured by a new Law.

To the second, whether I will assist and contribute to the election of such members as shall be for the takeing of penall Lawes and Test,

I answer, Noe.

To the third, whether I will support the King's Declaration for liberty of conscience by living friendly wth those of all parswasions as subjects of the same prince and good Christians ought to doe.

To this my answer is, I will.

Yor Lordssps most humble Servt

Jan 29. 87

(Addressed)

Ri : LAMPLUGH.

For the right honable the Lord  
Viscount Preston,

These.

(and apparently in the hand of Lord Preston)

Richard Lamplugh Esq. his answer ; (seal broken).

The ensuing list of those who failed to appear at Penrith, has this endorsement (apparently) in Lord Preston's writing :—

"The names of those Gentlemen who did not appear at the general meeting at Penrith."

Names of those Gentlemen of the County of Cumberland, who did not appear at Penryth on Tuisday Janry 24<sup>th</sup> 1687

Sr Christopher Musgrave Knt & Bart,\*

Sr Wilfred Lawson Knt, ..... He answered by Letter.

Sr John Lowther of Whitehaven Barrt, He lives in London.†

Andrew Huddleston Esqr..... He is nephew to Father Huddleston, & has been for some time in London, attending a Law-Suite, & and must be enquired after there.

\* See Lord Preston's letter to him, p. 31, antea.

† Was one of the Commissioners of the Admiralty in 1689.

|                                |                                                                                                                                                                  |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Leonard Dykes Esqr.....        | He answered by Letter.                                                                                                                                           |
| Richard Tolson Esqr.....       | He lives in ye West-riding of Yorkshire, & I could not tell how to direct a letter to him, but he hath neither fortune nor interest considerable in this county. |
| John Lamplugh Esqr,.....       | He answered by Letter.                                                                                                                                           |
| Richard Lamplugh, Esqr, .....  | He answered by Letter.                                                                                                                                           |
| Henry Curwen Esqr, .....       | High Sheriff of the County, at present in London.                                                                                                                |
| William Christian, Esqr, ..... | I spoke wth him before I left London, & find him ready to comply wth his Majtys pleasure.                                                                        |

Names of those Gentlemen of ye County of Westmorland who did not appear at Penryth on Tuisday Jan 24<sup>th</sup> 1687

|                                  |                                                         |
|----------------------------------|---------------------------------------------------------|
| Sr John Otway Knt,.....          | Vice-Chancellor of ye Dutchy, and at present in London. |
| Sr Thomas Strickland, Knt,†..... | At present in London.                                   |
| John Dalston, Esqr,.....         | He answered by Letter.                                  |
| Anthony Ducket Esqr,§ .....      | He lives in London.                                     |
| Thomas Fletcher Esqr, .....      | He answered by Letter.                                  |
| Edward Wilson Esqr .....         | He answered by Letter.                                  |
| — Wilson, his son, .....         | He lives in Lancashire, and gave his answer there.      |
| John Fisher Esqr, .....          | He answered by Letter.                                  |
| — Stevenson, gent .....          | He complys wth His Majesty's pleasure.                  |

[Rawl. MS. A. 139a, f. 346, sq.  
Bibl. Bodl.]

As a corollary to the foregoing answers, it may be interesting to refer to the account of the meeting at Penrith, given by Sir

† Of Sisergh.

§ Of Grayrigg ; with whom that line became *extinct* circa 1695.

Daniel Fleming of Rydal, one of the magistrates who attended it, and detailed by Burn in his History of Cumberland and Westmorland (i., pp. 165-70), from the papers left by Sir Daniel on the subject. How the Lord Lieutenant desired to meet the magistrates at Penrith "at 10 in the morning of the 24th"; how Sir John Lowther came there from Lowther "in his coach with six horses"; how, having taken their seats "at a long table at the George Inn at Penrith," and being called upon by Lord Preston to deliver their answers to the three questions, either in writing, or orally to his Lordship's Secretary, it was resolved, having been proposed by Sir John Lowther, and seconded by Sir Daniel Fleming, that each should retire, and write his own answer; and how, after "the Protestant Gentlemen did go into one room and the Papists into another," the whole returned in about "one hour's time," with their several answers "in writing under their hands."

# The Three Ridings of Yorkshire.



# Penal Laws and Test Act;

PROPOSED REPEAL THEREOF IN 1687-8;

*Questions to the Magistracy and Corporations touching the same,  
with their Answers, in the Three Ridings of Yorkshire.\**

[Extracted from the Original State Papers and Documents in the Bodleian Library.]

At the time, James II. was more especially bent upon the Repeal of the Test and Penal Statutes, although from the outset of his reign, the re-establishment of the Catholic faith had been uppermost in his mind, he propounded in 1687 certain Questions to all the Deputy Lieutenants and Magistrates in England and Wales, through the respective Lords Lieutenant of Counties, touching their sentiments in respect of the above Laws. This measure of canvassing those who were likely to be members of any future parliament he might wish to convoke, he considered desirable, as bearing a semblance of constitutional authority, previous to the next elections, when he hoped to carry the repeal by a parliament more disposed to meet his views, than the one he had indefinitely prorogued. He had just previously issued his "Declaration of Toleration and Liberty of Conscience," suppressing all Oaths and Tests, and the "Declaration of Indulgence," he twelve months afterwards published, and commanded to be read in the Churches, together with

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\* Reprinted with additions from the "Yorkshire Archaeological Journal."

his Instructions for the election of Members of Parliament, were the forerunners of the crisis thus brought about a few months later, which ended in the Revolution. Nine Bishops\* declined to distribute his Declaration to their clergy, or to have it read from the pulpit, and of these, seven were committed to the Tower, and although the King sought to palliate this conduct in his Instructions to the Judges going on circuit in the summer of that year (1688), the matter was fatal, and conclusive as to the sentiments of general discontent and indignation throughout the kingdom.

The Questions which had been propounded to all the several magistrates and freeholders by the Lords Lieutenant, did not meet with the anticipated success. The Answers were for the most part, (not even excepting the more Catholic counties, Lancashire and Northumberland), averse to the repeal of the Penal Laws and Tests; most counties answered entirely in the negative, and many of the Lords Lieutenant refused to put the Questions at all; so that the King's endeavours to gain over these parties were completely frustrated, and the measure of re-modelling the Corporations and constituencies, which had been taken in connection with these Questions [See the King's Instructions, p. 57], was at once put in force. Returns of all Catholics and Dissenters in the various counties, who were considered fit to replace existing magistrates, &c., were made out; the charters of the Corporations in many cases annulled; and the qualification of electors examined, to the complete exclusion of such as adhered to the Test and Penal Statutes. Notice was, in fact, given in the *London Gazette* of December 11, 1687, that the lists of the Justices and Deputy Lieutenants would be revised. Those Deputy

---

\* These were—Canterbury, Ely, Peterborough, Norwich, St. Asaph, Bath and Wells, Bristol, Gloucester, and Chichester; but those imprisoned were—Lloyd (St. Asaph); Ken (Bath and Wells); Turner (Ely); Lake (Chichester); White (Peterboro'); Sir Jonathan Trelawney (Bristol); and Sancroft, the Primate.

Lieutenants and Magistrates, who had shown themselves, by their Answers, averse to the King's wishes, were struck out, and replaced by others more amenable to his views. These Returns and Answers, in most cases ORIGINAL, are embodied in one of the Rawlinson MSS. in the Bodleian, and are highly interesting, when taken in connection with the history of England at the time. They show the disposition and feeling of the country gentlemen and corporations at that critical juncture, for, it was simply a question whether, by retaining the Penal Laws and Test Act, the established Religion of the country was to be maintained, or, by repealing them, an eventual but certain return to Popery and arbitrary government should ensue.

Complete Returns are not given for every county ; and in the case of Yorkshire, simply the names of those on whom the King could rely are found ; but, in some counties, for example Wiltshire, the interests of the gentry and constituencies are minutely canvassed. The lists of the Magistracy, &c. given hereafter, do not contain the names of the entire body at the time, and those of the West Riding are not fully given ; still, there are many of the descendants of those enumerated who now remain, and to them these Answers, in the very writing and wording of their ancestors, will be especially gratifying.

After these preliminary remarks, we proceed to give the several entries. For greater clearness and for the purpose of reference, the name of the person answering is introduced above his answer in capital letters ; names struck through with a pen are printed in *italics* ; the spelling of the original has been in all cases adopted ; and in every other respect the MS. has been followed with all possible accuracy.

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THE QUESTIONS put to the several Deputy Lieutenants and Justices of the Peace of the Three Ridings of Yorkshire, through their respective Lords Lieutenant in 1687-8.\*

[Rawl. MS. A 139<sup>a</sup>, ff. 274, 293, 295—311.]

\* Sir John Reresby, in his "Memoirs," remarks on these questions, thus:—"Several lord-lieutenants who refused to execute this order were turned out, and Papists put in their places, and the deputy-lieutenants and justices of the peace that did not give a satisfactory answer were generally displaced. This was indeed putting the thing too far, and the wondering of all men to what purpose it was done. For what answer could a man give that was to be a member of Parliament, till he heard the reasons and debates of the House? If men had a mind to deceive the King, how easy, nay, how likely was it for them to pretend to be of one judgement now, and of another when they were in the House. Besides it struck at the very foundation of Parliaments to pre-engage men, before they came there, where they were to be allowed the freedom both of their speech and judgments. The most general answer that was given by Protestants of the Church of England, was this, that they would give their votes so, if of the House, as the reasons of the debate directed them; that they would vote for such as they thought would do so; and that they would live quietly with all men, as good Christians and loyal subjects. There were about this time great removes of officers, civil and military, and most Corporations were purged of their Church of England aldermen, and Papists and Dissenters put in their places." ("Memoirs," p. 388.)

### The King's Instructions.

That the Lords Lieutenant of the County of York, doe call before them all the Deputy Lieutenants and Justices of the Peace within their Lieutenancies, either joynly or separately, as they shall think best, and ask them, one by one, the following Questions—

1. If in case he shall be chosen Knight of the Shire, or Burgesse of a Towne, when the King shall think fitt to call a parliament, whether he will be for taking of the Penall Lawes and the Tests.
2. Whether he will assist and contribute to the Election of such Members as shall be for taking of the penall Lawes and Tests.
3. Whether he will support the King's Declaration for Liberty of Conscience, by living ffriendly with those of all perswasions, as subjects of the same Prince, and good Christians ought to doe.

As they shall ask these Questions of all Deputy Lieutenants and Justices of the Peace ; so they shall particularly write downe what every one answers, whether he Consents, Refuseth, or is Doubtfull.

That they likewise doe bring the King as good an account as they can of all the several Corporations within their Lieutenancies, what persons of such are willing to comply with these measures, have credit enough of their owne, to be chosen Parliament men, or may be chosen if assisted by their ffriends ; and lastly, what Catholicks, and what Dissenters are fitt to be added either to the List of the Deputy Lieutenants, or to the Commission of the Peace throughout the said Lieutenancies.

### Lords Lieutenant.

#### LORDS-LIEUT. OF THE RIDINGS OF YORKSHIRE in 1684.

|                                      |                               |
|--------------------------------------|-------------------------------|
| Yorkshire East Riding ; and Town of  | John, Earl of Mulgrave ;*     |
| Kingston upon Hull ;                 |                               |
| Yorkshire West Riding ; City of York | Richard, Earl of Burlington ; |
| and Ainsties ;                       |                               |
| Yorkshire North Riding.              | Thomas, Viscount Fauconberg.  |

\* See List of Lords Lieutenant, pp. 16, 17. In many instances (as elsewhere observed), King James peremptorily replaced the Lords Lieutenant of counties ; and in others, these as resolutely refused to follow his instructions. In the North Riding the meet-

### Deputy Lieutenants.

A List of the names of the Deputy Lieutenants within the East Riding of the county of York.

|                                          |                                        |
|------------------------------------------|----------------------------------------|
| S <sup>r</sup> Jonathan Atkins, (a).     | Toby Jenkins, Esq., did not answer.    |
| S <sup>r</sup> Thomas Rudston.           | James Moyser, Esq. (a).                |
| S <sup>r</sup> Raelph Warton, (a).       | William Osbaldeston, Esq. <sup>†</sup> |
| S <sup>r</sup> Matthew Pierson.          | Thomas Hesketh, Esq.                   |
| S <sup>r</sup> William Cobb, (a).        | John Estofte, Esq.                     |
| S <sup>r</sup> John Legard.              | William Bethell, Esq. <sup>‡</sup>     |
| S <sup>r</sup> Richard Osbaldeston, (a). | Toby Hodson, Esq. is mad.              |
| George Dawnay, Esq. (a).                 | James Heblethwayte, Esq. (a).          |
| Michael Warton, Esq., did not answer.*   |                                        |

(a) See *postea*.

### Justices of Peace.

A List of the Justices of y<sup>e</sup> Peace for y<sup>e</sup> East Riding of y<sup>e</sup> County of Yorke.

|                                                |                                                              |
|------------------------------------------------|--------------------------------------------------------------|
| Robert, Viscount Dunbarre, not in the country. | John Constable, Esq <sup>r</sup> .                           |
| Henry Constable, Esq <sup>r</sup> .            | Thomas Crompton, Esq <sup>r</sup> .                          |
| S <sup>r</sup> Philip Constable, Bart.         | Mathew Appleyard, Esq <sup>r</sup> .                         |
| George Metham, Esq <sup>r</sup> .              | Thomas Heseltine, Esq <sup>r</sup> .                         |
| Philip Langdale, Esq <sup>r</sup> .            | Lionell Copley, Esq <sup>r</sup> .                           |
| Robert Doleman, Esq <sup>r</sup> .             | Robert Buck, Esq <sup>r</sup> .§                             |
| Alexander Montgomery, Esq <sup>r</sup> .       | Francis Collingwood, Esq <sup>r</sup> ., not in the country. |
| John Stapleton, Esq <sup>r</sup> .             | Robert Prickett.                                             |

ing was convened by Lord Fairfax of Gilling, which is evident proof of Lord Fauconberg's early removal. In January, 1687-8, Lord Thomas Howard (the Duke of Norfolk's brother), was Lieutenant of the West Riding; and before October of that year Viscount Langdale had become the Lord Lieutenant of the East Riding. But very shortly afterwards, the Duke of Newcastle was named Lieutenant of the whole county, superseding the Catholic Lords Lieutenant.

\* Micheal Warton, of Beverley, was father of Sir Michael Warton, Knt.

† William Osbaldeston of Hunmanby; probably son of Sir Richard Osbaldeston.

‡ Probably related to Sir Walter Bethell of Alne; or one of the Bethells of Rise, of whom was Sir Hugh Bethell of Rise and Hornsea, M.P. for Hedon in 1661.

§ Probably a near relative of Sir John Buck of Filey.

The names of such as may be employed for Justices of y<sup>e</sup> Peace in y<sup>e</sup> East Riding of y<sup>e</sup> county of York.

|                                                                         |                         |
|-------------------------------------------------------------------------|-------------------------|
| Robt. Viscount Dunbarr, D.L.*                                           | William Boynton.        |
| Marmaduke, Lord Langdale,†<br>D.L.                                      | Will. St. Quinton.      |
| Marmaduke Langdale, Esq.‡<br>D.L.                                       | + Toby Jenkins, D.L.    |
| Henry Constable, Esq., D.L.§                                            | Robt. Monckton.         |
| S <sup>r</sup> Watkinson Taylor, Bart.                                  | Engleby Daniell.        |
| S <sup>r</sup> Will. Strickland, Bart.                                  | + Lionell Copley.       |
| S <sup>r</sup> Henry St. Quintin, Bart.**                               | Henry Thompson.         |
| c + S <sup>r</sup> Phillip Constable, Bart.,††<br>D.L.                  | William Thompson.       |
| S <sup>r</sup> James Bradshaw, Kn <sup>t</sup> . D.L.††<br>John Hotham. | Hugh Bethell.           |
| c + George Metham, D.L.                                                 | + Robt. Dolman.         |
| c + Phillip Langdale, D.L.§§                                            | Francis Collingwood.    |
|                                                                         | Thomas Condone D.L.     |
|                                                                         | Thomas Crathorne.       |
|                                                                         | George Palms.           |
|                                                                         | <i>Robt. Constable.</i> |

\* Robert Constable, Lord Viscount Dunbar, succeeded his brother John as 3rd Viscount in the Peerage of Scotland, and married daughter of Lord Bellasis of Worlaby, in Lincolnshire. The title was conferred on Sir Henry Constable of Burton Constable in Holderness, but became extinct on the death of the 4th Viscount. During the Commonwealth the estates of John, Lord Dunbar, underwent sequestration, similarly with other Royalists.

† Marmaduke, 2nd Lord Langdale. (See *postea*.)

; Son of Marmaduke, Lord Langdale.

§ See *postea*.

| Erased in the original of this Confidential Return. The letter "C" implies probably "Consents," or "Catholic." The "crosses" against some names are in the original. The returns were confidential, and these marks are significant, indicating those on whom the King could depend. See note on this head, *postea*. Where names are here and hereafter printed in *italics*, it is intended to indicate that they are struck out in the original.

\*\* Sir Henry St. Quintin (2nd), Bart., of Harpham.

†† Sir Philip Mark Constable, Bart., of Everingham, married Margaret, daughter of Sir Francis Ratcliffe of Dilston, in Northumberland. His sons were Marmaduke and William; was ancestor of the present Lord Herries, Lord Lieutenant of the East Riding.

‡‡ Sir James Bradshaw, named as an East Riding magistrate by Reresby in Oct., 1688.

§§ See *postea*.

||| William St. Quintin of Hayton, brother of Sir Henry St. Quintin.

|                          |                               |
|--------------------------|-------------------------------|
| Thomas Dalton.           | Will. Roursby.                |
| Marmaduke Constable.*    | <i>Thomas Stillington.</i>    |
| <i>Will. Grimstone.</i>  | John Constable.†              |
| <i>George Prickett.†</i> | <i>Thomas Strangewayes.</i>   |
| John Lyster.             | John Thorpe.                  |
| <i>John Constable.</i>   | <i>Bernard Lyster.</i>        |
| Joseph Micklethwaite.    | <i>Leonard Robinson.</i>      |
| John Brigham.            | John Taylor.                  |
| John Overton.            | <i>John Watkinson.</i>        |
| Michael Portington.      | c + Henry (obliterated), D.L. |
| Thomas Southaby.         | + John Jenkins, D.L.          |

### Answers.§

The several Answers of those Deputy Lieutenants and Justices of the Peace, who either appeared (personally), or have returned their answers in writing.

JAMES HEBLETHWAITE, Esq.||

As to the first,

If I shall be chosen a member of Parliament, I conceive my selfe

\* Son of Sir Philip Constable of Everingham; or possibly, Marmaduke Constable of Wassand, who married daughter of Sir Nicholas Yarborough of Snaith [Dugdale's Visitation], and ob. 1690.

† Deputy Recorder of York.

‡ Apparently one of the Constables of Wassand or Catfoss; and possibly brother of Marmaduke Constable of Wassand (*ut supra.*)

§ The following Answers were apparently, with one or two exceptions, handed in personally at the meeting appointed for the purpose, and a common answer seems to have been understood among many of the Respondents, as if acting in decided concert. If we except some few, which bear the impress of a sterling character worthy of all imitation, their chief merit, in point of interest, apart from the "caution" which pervades some, and the quaintness of others, is the fact of the documents being in nearly every case *original*; the answers of the East Riding magistracy entirely so. The peculiarities of the orthography are: "of" for "off" (*passim*); "then" for "than"; the abbreviated p' for "pre," and others characteristic of the spelling of that date. The Questions, on the other hand, propounded throughout England and Wales, appear to have been taken earlier in some counties than in others; *ex. gr.*, in Cumberland in January; in the East and West Ridings of Yorkshire in July, August, and September. The order was promulgated by the King's Council in October, 1687.

|| Reresby mentions Sir Thomas Heblethwaite, Knt., in 1662. He appears to have died about 1668, being at the time of his decease M.P. for Malton. James Heblethwaite (as above), of Norton, his son, was returned for the same borough in 1672; and according to Dugdale's Visitation, Ebor., was aged 14 years, 12th September, 1666.

obliged to give my vote according to the reason of the debate of the house, and not otherwayes.

As to the second,

If I do concerne my selfe in the election of any to serve, as a member of Parliament, I shall give my vote for such, as (too the best of my judgment) will serve the King and whole kingdom, faithfully and honestly.

As to the third,

I thinke my selfe obliged to live peaceably with all men, as becomes a good Christian and a loyall subject.

(Signed),

JAMES HEBLETHWAITE.

WILLIAM BETHELL, Esq.

As to the first, If I should be chosen a Member of Parliament, I conceive my selfe obliged to give my vote according to the reason of the debate of the House, and not otherwise.

To the 2d, If I doe concerne my selfe in the election of any to serve as a member of Parliament, I shall give my vote for such, as to the best of my judgment will serve the King and whole Kingdome, faithfully and honestly.

As to 3rd, I thinke my selfe obliged to live peaceably with all men, as becomes a good Christian and a loyall subject.

(Signed),

WILL: BETHEL.

JOHN ESTORT, Esq.

As to the first,

If I shall be chosen a member of Parliament, I shall conceive my selfe obliged to give my vote, according to the reason of the Debate in the House, and not otherwise.

As to the second,

If I doe concern my selfe in the election of any to serve as a member of Parliament, I shall give my vote for such as to the best of my judgment will serve the King, and the whole Kingdom, faithfully and honestly.

As to the third,

I thinke my selfe obliged to live friendly and peas'ably with all men, as becomes a good Christian and a Loyall subject.

(Signed),

JOHN ESTOFT.

THOMAS HESKETH, Esq.

As to the first,

If I shall be chosen a member of Parliament, I conceive myself obliged to give my vote according to the reason of the Debate of the House, and not otherwise.

As to the 2d,

If I doe concerne my selfe in the election of any to serve as a member of Parliament, I shall give my vote for such as to the best of my judgment will serve the King and the whole Kingdome, faithfully and honestly.

As to the 3d,

I thinke my selfe obliged to live friendly and peaceably with all men, as becomes a good Christian and Loyall subject.

(Signed),

THO: HESKETH.

WILLIAM OSBALDESTON, Esq.\*

As to the first,

If I shall be chosen a member of Parliament, I conceive my self obliged to give my vote, according to the reason of the Debate in the house, and not otherwise.

As to the second,

If I doe concern myself, in the election of any to serve as a member of Parliament, I shall give my vote for such, as to the best of my judgment will serve the King, and the whole Kingdome, faithfully and honestly.

As to the third,

I thinke my self obliged to live peaceably with all men, as becomes a good Christian, and a Loyall subject.

(Signed),

WILL: OSBALDESTON.

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\* Of Hunmanby; was M.P. for the borough of Scarborough in 1685 [C.O.L.]

## JAMES MOYSER, Esq.\*

As to the first Quest :

If I shall be chosen a member of Parliament I conceive my self obliged to give my vote, according to the reason of the debate of the house, and not otherwise.

As to the second Quest :

If I doe concern my self in the election of any to serve as a member of Parliament, I shall give my vote for such, as to the best of my judgment, will serve the King and the whole Kingdom faithfully and honestly.

As to the third Quest :

I think my selfe obliged to live peaceably and friendly with all men, as becomes a good Christian and a Loyall subject.

(Signed),

JAMES MOYSER.

## GEORGE DAWNAY, Esq.†

As to the first,

If I shall be chosen a member of Parliament, I conceive my selfe obliged to give my vote, according to the reason of the debate of the House, and not otherways.

As to the second,

2. If I doe concerne myselfe in the election of any to serve as a member of Parliament, I shall give my vote for such, as to the best of my judgment, will serve the King and the whole Kingdome faithfully and honestly.

3. As to the third,

I think my selfe obliged to live friendly and peaceably with all men, as becomes a good Christian and a Loyall subject.

(Signed),

GEORGE DAWNAY.

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\* James Moyser, of Beverley, (having married Sir John Reresby's mother), occurs frequently in the Reresby "Memoirs" as his "stepfather," and a Justice of the Peace for the East and West Ridings.

† Probably of Sessay; of which family was Sir George Dawnay, returned as a "recusant"; now represented by Viscount Downe.

## SIR RICHARD OSBALDESTON, OF HUNMANBY, KNT.\*

As to the first,

If I shall be chosen a member of Parliament, I conceive my selfe obliged to give my vote, according to the reason of the debate in the house, and not otherwaiers.

As to the second,

If I doe concerne my selfe in the election of any to serve as a member of parliament, I shall give my vote for such, as to the best of my judgment, will serve the King and the whole Kingdom faithfully and honestly.

As to the third,

I think my selfe obliged to live peaceably with all men, as becomes a good Christian and a loyall subject.

(Signed),

RICH: OSBALDESTON.

## SIR JOHN LEGARD, OF GANTON, BART.

As to the first,

If I shall be chosen a member of Parliament, I conceive my selfe obliged to give my vote according to the reason of the debate of the House, and not otherwaiers.

As to the second,

If I doe concerne my selfe, in the election of any to serve as a member of Parliament, I shall give my vote for such, as to the best of my judgment will serve the King, and whole Kingdom faithfully and honestly.

As to the third,

I think my selfe obliged to live peaceably with all men, as becomes a good Christian and a Loyall subject.

(Signed),

J: LEGARD.

## SIR WILLIAM COBB, KNT.†

i. The Test and Penal Laws, I leave them to the wisdome of the King, and his great Counsel, when he thinks fitt to call itt.

\* Sir Richard Olbaldeston of Hunmanby; Knighted at Windsor in 1681.

† Was of Ottringham, (styled also by Le Neve, of Beverley), and married relict of Sir Thomas Heblethwayt. He was son of Sir Frances Cobbe, High Sheriff for the co. of York, 1666, by Ellen, daughter of Christopher Constable of Catfoss. [Dugdale's Vis. 1666.]

2. I shall assist and contribute to the election of such members (as are in my judgment), the fittest and most able to serve the King and countrie in Parliament.

3. I shall heartilie joyne with the Church in Her prayers, and never disturb the King's peace, But demeane my selfe as a dutifull subject, and friendly neigbor ought to doe.

(Signed),

WILL: COBB.

SIR MATTHEW PIERSON, KNT.

As to the first Question,

If I shall be chosen a member of Parliament, I conceive my selfe obliged to give my vote according to the reason of the debate of the House, and not otherwise.

As to the second,

If I doe concerne myselfe with the Election of any to serve as a Member of Parliament, I shall give my vote for such, as to the best of my judgment, will serve the King and the whole Kingdom, faithfully and honestly.

As to the third,

I thinke my selfe obliged to live friendly and peaceably with all men, as becomes a good Christian and a loyall subject.

(Signed),

M : PEIRSON.

(Endorsed), S<sup>r</sup> Mathew Pearson.

SIR RALPH WARTON, KNT., OF BEVERLEY.\*

As to the first,

If I shall be chosen a member of parliament, I conceive my selfe obliged to give my vote according to the reason of the debate of the house, and not otherwaies.

As to the second,

If I doe concerne my selfe in the election of aine to serve, as a member of parliament, I shall give my vote for such, as to the best of my

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\* He was Knighted in 1668, and is mentioned by Reresby as an E. R. magistrate in October, 1688. In 1685 he sat as M.P. for Beverley with Michael Warton, Esq., father of Sir Michael Warton (or Wharton) of Beverley.

judgment, will serve the King and the whole Kingdome, faithfully and honestly.

As to the third,

I thinke my selfe obliged to live peaceably with all men, as becomes a good Christian, and a loyall subject.

(Signed),

RA : WARTON.

SIR THOMAS RUDSTON, BART.

As to the first,

If I be chosen a Member of Parliament, I conceive my selfe obliged to give my vote according to the reason of the debate in the house, and not otherwise.

As to the second,

If I doe concerne my selfe in the election of any to serve as a Member of Parliament, I shall give my vote for such, as to the best of my judgment, will serve the King and whole Kingdome faithfully and honestly.

To the third,

I think my selfe obliged to live pasably with all men as becoms a good Christian and a loyall subject.

(Signed),

THO : RUDSTON.

SIR JONATHAN ATKINS, KNT.\*

1st—If I shall be chosen a Member of Parliament, I conceive my selfe obligid to give my vote, according to the reasons of the debait in the house.

2—When I am concerned in the Election of any person to serve as member of Parliament, I shall give my vote for such, as to the best of my Judgment, will serve the King and the whole Kingdome, faithfully and honestly.

3—I esteeme my selfe obliged to live peaceably with all men, as becomes a good Christian and a Loyall subject, which I hope I have de-

\* This was Sir Jonathan Atkins of Grimthorpe Park, Colonel of the Coldstream regiment. He was Governor of Guernsey in 1664, and of Barbadoes and the Windward Islands in 1677; and married Mary, eldest daughter of Sir William Howard of Naworth; and was ancestor of Atkins of Firville, co. Cork.

monstrated, in all my services and sufferings for the Crowne, w<sup>ch</sup> fidelity I shall never abandon while I am able to serve.

(Signed),

J : ATKINS.

ROBERT PRICKETT, Esq.\*

1. If I be chosen a Member of Parliament, I think my self oblidged to give my vote according to the reason of the debate of the house.

2. If I be concern'd towards the Election of a member, it shall be such, as to the best of my judgment will serve the King faithfully, honestly, and Loyally.

3. I think and owne my selfe oblidged to live friendly with all men, as a good Christian and Loyall subject.

(Signed),

ROBT : PRICKETT.

ROBERT BUCK, Esq.†

To the first, I doe not expect ever to be called into that Hon<sup>bis</sup> Society, but if I bee, I shall give my judgment to the benefitt of my Prince and country.

To the second, I shall be always for that person, that I judge in my conscience shall be faithfull to my Prince and country.

To the third, I have and shall ever endeavour to live friendly by all my Neighbours tho' they differ from me in opinion or judgment.

(Signed),

ROBT BUCKE.

LIONEL COPEL<sup>y</sup>, Esq.‡

My Answers to the three questions ask't by my Lord Langdale.§  
The Kinge is the Heade and springe from whence all our lawes doe

\* Robert Prickett of Wrestle (or Wressal) Castle, was son of Marmaduke Prickett of Allerthorpe, and married Mary, daughter of Marmaduke, 1st Lord Langdale. George Prickett, mentioned (*postea*) as Recorder of York, was probably of the same family.

† Doubtless a relative of Sir John Buck of Filey.

‡ Lionel Copley appears to have been one of the Sprotborough family, and related to Sir Godfrey Copley, second and last baronet of that creation, who was M.P. for Aldborough in 1681. (Reresby's "Memoirs.") He was probably of Wadworth.

§ Marmaduke (2nd) Lord Langdale, of Holme on Spalding-moor, was Governor of Hull at the time the Prince of Orange landed in England in November, 1688, and seized by the then Lt.-Governor, Col. Copley, who declared for the Prince.

flow, and consequently the most proper judg of the conveniency and tendency of all our lawes, as well penall as others, therefore doe thinke my selfe ingaged in duty (when it shall be in my power), to indevor to my best abillity, the making voide the penall lawes and tests, they being by his Majesty esteemed affrontive to him selfe, and injurious to his subjects :

I do declare I will give what assistance I am capable of, to the electing such persons, as shall be for the taking away of the penall lawes and Teste :

In the station I am now in, or into what I may fall, I will observe and indevor the support of the King's declaration for liberty of conscience, and am suer it is my duty, both to my God and my prince, to live ffriendly with all my ffellow subjects, and resolve so to do :

(Signed),

L: COPLEY.

THOMAS HESELTINE, Esq.

As to the first,

If I shall be chosen a Member of Parliament, I conceive my selfe obliged to give my vote according to the reason of the debate in the house, and not otherwaires.

As to the second,

If I doe concern my selfe in the election of any to serve as a member of Parliament, I shall give my vote for such, as to the best of my judg-  
ment, will serve the King and the whole Kingdome, faithfully and honestly.

As to the third,

I thinke my selfe obliged to live peaceably with all men, as becomes a good Christian and a Loyall subject.

(Signed),

T: HESELTINE.

MATTHEW APPLEYARD, Esq.\*

If I be chosen a Member of Parliament, I think my selfe oblidged to give my vote according to the reason of the debate of the house.

If I concern myselfe towards the Election of a Member, it shall be

\* Was M.P. for the borough of Heydon (or Hedon) in Yorkshire in the Convention Parliament of 1689. Sir Matthew Appleyard had sat for the same place in 1661.

such, as to the best of my judgment, will serve the King faithfully and honestly.

I think my selfe oblidg'd to live friendly with all men as a good Christian and Loyall subject.

(Signed),

MAT: APPLEYARD.

THOMAS CROMPTON, JOHN STAPYLTON AND ALEXANDER MONT-GOMERIE, ESQUIRES.

Gave separate answers identical with the preceding answer of Matthew Appleyard, respectively signed, Tho: Crompton, John Stapylton,\* Alex<sup>d</sup>. Montgomerie.

ROBERT DOLMAN, Esq.

If I be chosen a Knight of the Shire, or a Burgess of a Towne, I will give my vote in Parliament for the taking of the Penal Lawes and Test.

2. I will not assist nor contribute for the electing any member to sitt in Parliament, that will not be for the taking of the Penall Lawes and Test.

3. I will indeavour to live queattly amongst my neighbours, let them be of what perswasion they will.

(Signed),

ROBT: DOLMAN.

HENRY CONSTABLE, Esq.

1. I served King Charles the first with all fidelity, from the yeare 1642, against the English and Scottish Rebels, according to my duty, and besides the tye of duty, I owe that of inclination and gratitude to our present King James the Second, for his declaration of liberty of Conscience, and therefore doo answer affirmatively to the three above mencioned proposalls, vid.: I will be for the taking of the penall laws and tests.

2. I will assist to the electing of those as shall be for the taking of the penall laws and tests.

3. I will support the King's declaration of liberty of conscience by

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\* John Stapylton of Warter, married daughter of Sir Wilfred Lawson, of Isell, and was son of Sir Philip Stapylton.

living friendly with those of all perswasions, as subjects of the same Prince and good Christians ought to doo.

(Signed),

HENRY CONSTABLE.\*

Garton, January 9th, 87.

SIR PHILLIP CONSTABLE, BART., OF EVERINGHAM.

1. In case I be thought worthy to serve in parliament, I will observe the King's command delivered by the Lord Lieutenant as to the first article.

2. As to the second article, I shall use my interest to give my vote for electing of Members that shall observe the King as they ought to doe in that station, to the best of my power and interest in the countrey where I live.

3. As to the third, I have always endeavo'red to live peaceably amongst my neibours, and shall endeavour to support his Majesty's Declaration to the utmost of my power.

(Signed),

PHILLIP CONSTABLE.

(Endorsed), Sir Philip Constable.

JOHN CONSTABLE, Esq.

In case I be thought worthy to serve in parliament, I shall observe the King's command delivered by the Lord lieutenant as to the first article.

As to the second article, I shall use my interest to give my vote for electing of members that shall observe the King as they ought to doe in that station, to the best of my power and interest in the country where I live.

As to the third, I have always endeavo'red to live peaceably amongst my neighbours, and will continue to do so whilst I live.

(Signed),

JOHN CONSTABLE.†

\* This magistrate seems to be identified with the Constables of Burton Constable. Garton in Holderness was sold by the Grimstones to the family of Constable, Viscounts Dunbar.

† Probably brother of Marmaduke Constable of Wassand; the wording of his answer would incline one to identify him as of Everingham.

**THE HONORABLE PHILLIP LANGDALE.\***

1. If I be chosen Knight of the shire or Burgesse of a towne, when the King shall call a Parliament, I will be for taking of the Penall laws and tests.
2. I will assist and contribute, soe farr as in me lies, to the chusing of such members as shall be for the taking of the Penall laws and tests.
3. I will support the King's declaration for liberty of conscience, by liveing frindely with those of all perswations.

(Signed), **PHILLIP LANGDALE.**  
(Endorsed), Phillip Langdale, Esq.

**GEORGE METHAM, Esq.**

1. If in case I be chosen Knight of the shire or burgisse of any towne, the King shall have my voate to take of the Penall laws and Tests.
2. I shall contribute to the Elections of chusing members, to the best of my judgment, to take all the Penall laws and Tests of.
3. Thirdly, I will support the King's declaration, and do think it the best way for the ease of the subject.

(Signed), **GEORGE METHAM.**

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**Doncaster.**

THE ANSWERS of the Maior and gentlemen Aldermen of Doncaster that are Justices, taken the 30th of August, 1688.

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- 1.—We are not quallified to be members of Parliament in either capacity.
  - 2.—When the King pleases to call a Parliament, wee shall use our utmost indeavours for the election of such persons as are of known Loyallie to his Majestie, and will maintaine the Protestant Religion.
- 

\* Son of Marmaduke, (2nd) Lord Langdale.

3.—Wee will live peaceably with all men as farr as the Laws oblige us, and the discharge of a good conscience.

(Signed),

RICH: FAYRAM, Maior.  
JOHN ARMITAGE.

Alderman Ellicker is absent;  
Alderman Raiseing in the Joale.

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Aldermen at Doncaster, if the King pleases, to be turned forth;  
Mr. Richard ffayram, Mr. John Ellicker, Mr. John Armitage, Mr. George Raysing, Mr. John Burton, Mr. John Blyth.

To be put in, if the King think fit;

Mr. Thomas, Esq., Mr. John Arthur, Mr. Richard Law, Mr. William Beaumont, Mr. Robert Dickson, Mr. Dinis Wade.

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### St. Peter's Liberty in Yorke.

The Answers of the Justices of St. Peter's Liberty in York, taken the 25th of August, 1688.

#### THE DEAN OF YORK.

1. The character of a Clergyman unquallifies me to be chosen a member of Parliament, and soe puts me out of the first case.
2. I cannot undertake for any other person what he will or will not doe in Parliament, but if it fall out I give any voat in matters of that nature, I will give it for such persons, as I verily believe are the likelyest to answer the ends of his Majestie's writ for that purpose.
3. To live peaceably with all men of what perswasion soever, I hold it my duty, and by God's Grace shall ever act accordingly.

(Signed), T: WICKHAM, Deane.

#### THE PRECENTOR OF YORK MINSTER.

1. I am incapable of my being elected a member of Parliament, by reason of my being in holy orders.

2. If at any tyme I shall concerne my self in Election of Parliament men, it shall be for such persons, as I have reason to believe are truly loyall to his Majestie, and intirely faithfull to the interest of the Government in Church and State, as now by Law established.

3. I always did, and by the grace of God will live peaceably with all men, as my sacred office obliges me.

(Signed),                    Tho: CUMBER, p'senter.

REV. WILLIAM STAMFORD.

1. I am incapable of being elected a Parliament man, by reason of my being in holy orders.

2. If at any tyme I shall concerne my self in Election of Parliament men, it shall be for such persons as I believe are truly Loyall to his Majestie, and intirely faithfull to the interest of the Government in Church and State, as it is now by Law established.

3. I always did, and by the grace of God will ever live peaceably with all men, and as my sacred office obliges me, will indeavour to perswade others soe to doe.

(Signed),                    Wm: STAMFORD, Minister.

THOMAS HESKIT, Esq.

1. If I shall be chosen to serve in Parliament, when this question shall be seriously debated, I shall give my voate that way, which I shall in my conscience think the best for the King and the whole nation, but I dare not easily give my private oppinion for the repealeing of any Law, which the wisdom of a prince and his parliament hath thought fit to establish.

2. If I shall be concerned in the Election of any to serve in Parliament, it shall be for such, as to the best of my judgement, will serve their King and their country faithfully and honestly.

3. I think it my duty to live friendly and peaceably with all men, as becomes a good Christian and a Loyall subject.

(Signed),                    THOMAS HESKIT.

HENRY SQUIRE, Esq.

1. If I should be chosen a member of Parliament, I should not look upon it a thing reasonable to give my voate for the repeale of any

Statute till I heare the debates of the house, and then I would give my voate according to the best of my judgement.

2. I think I ought to give my voyse for the election of such members as I take to be men of integrity, and that will voate according to their conscience, and the best of their understanding, with a due regard to the interest of the Crowne, and the welfare of the Government.

3. I will endeavour to live peaceably and quietly with all men though of different perswasions.

(Signed), HEN: SQUIRE.

THOMAS WAITE, Esq.

1. My answer to the first Question is, that if it should soe happen that I should be chosen a parliament man, I shall use all my skill to finde out that which is equall and good and most convenient for common safety and society, and for the support of the Government in Church and State, to the best of my skill.

2. My answer to the second Question is, that we must submit ourselves to what the Parliament shall ordaine by majority of voices, according to their discrestions, nor can we oblieg them to act otherways, though they tell us they are for takeinge away those Laws and Tests.

3. My answer to the third Question is, that as a Justice I have sworne to observe Law and Justice, the neglect whereof is fineable and punishable, and by the 20th of K. Ed. 3. 1, noe justice is to neglect or deferr it for the King's letters, writs, or commands, which if he doe, he is to be at the King's Will for body, lands and goods; and by the 22 of K. Char. 2. 4, a justice is (*not*) to act upon Conventicles, contrary to the Liturgy and practice of the Church of England, upon paine of 100*l.*; and the Test is ordained by the 29th of K. Char. the Second, 2; therefor I cannot with safety publickly declare to support any Declaration out of Parliament, that is contrary to these laws, yet I shall carefully keep the peace, though I may dislike some mens perswasions for themselves, as well as for their prohibition.

(Signed), THO: WAITE.

ROBERT MEDLEY, Esq.

1. I am well assured that the King will protect and maintain the Church of England according to the words of his gracious Declaration,

notwithstanding the penal Laws and the Tests should be repealed, and therefore, in case I be chosen a Parliament man, I know noe reason why I ought not to give my voat for takeinge them of.

2. I always thought it my duty to comply with the lawfull desires of my Soveraigne, and therefore cannot apprehend why I ought not to assist and contribute to the election of such as I think will be for taking of the Penal Laws and Test.

3. I will support the King's Declaration of liberty of conscience, by living friendly with those of all perswasions, as subjects of the same prince, and as good Christians ought to do.

(Signed), ROBERT MEDLEY.

TOBY JENKINS, Esq.

Justice Toby Jenkins is very ill, and we were desired by his Brother-in-law the Deane of York, not to give him any trouble; he has answered as we are assured, very Loyally in the East Ryding.

Justices in St. Peter's Liberty in York that were never sworne.

Henry Watkinson,\* Dr. of Law, James Moyser, Esq., Tobias Jennings, Jun., Esq., Wm. Hodlam, Esq., Robert Squire, Esq.

New ones.

Sir Walter Vavasour, Bart.,† John Middleton, Esq.,‡ Philip Langdale, Charles Fairfax, Edw. Saltmarsh,§ Sir H. Slingesby,|| Sir Rich. Maleverer,||| Sir John Reresby,†† John Hopton.

\* Chancellor of the Province of York.—R.

† Third Baronet of Hazlewood. About the time these questions were circulated, Reresby alludes to him and Mr. Middleton. Speaking of the West Riding magistrates, he says: "The same day (Sept. 10), Sir Walter Vavasour, and Mr. Middleton of Stockeld, came up to give an account to the King of the Answers of the Yorkshire West Riding Gentlemen, and those of the Corporations to the Queries, in which the Lord Mayor and Aldermen were so faulty, that I found my greatest opposers there would be turned out without my help."—R., p. 403.

‡ Of Stockeld.

§ Of Saltmarshe, near Howden.

|| Of Scriven, Bart.; M.P. for Knaresborough, 1685, and son of Sir Thos. Slingsby, M.P. for same borough 1678-81; ancestor of the late Sir Chas. Slingsby, of Scriven, Bart.

||| Second Bart., son of Sir Thos., the first Bart.; M.P. for Aldborough, 1676; he was of Allerton Mauleverer, and married Barbara, daughter of Sir Thos. Slingsby, Bart., of Scriven.

†† Or Reversby, of Thrybergh, second Bart.; was very active in his time, and author of "Memoirs," which are frequently quoted in the notes to this paper. He was

### City of York.

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#### THE NAMES OF THE PRESENT MAIOR, RECORDER, AND ALDERMEN OF THE CITY OF YORK.

Thomas Raynes, Major, Mr. George Pricket, Recorder, Sir Stephen Thompson, Knt., Mr. John Wood, Mr. John Thompson, Mr. Thomas Mosley, Mr. Henry Tyreman, Mr. Joshua Earnshaw, Mr. Leonard Wilberfoss, Mr. Wm. Tomlinson, Mr. Samuel Dawson, Mr. Roger Shackleton, Mr. John Cunstable.

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#### COMON COUNSELL MEN, that are not against the King's Interest.

Joseph Scott, foreman, Robert Wilson, Richard Thomas, William Sutle, ffrancis Tomlinson, Jeremiah Welfitt, George ffothergill, John Lund, John Billingham, Robert Gathorne, Arthur Robinson, William Deighton, Timothy Wilkinson, *Christo. Dewtress, senr.*, Mathew Coale, Edward Wilkinson, John Moor, Walter Baynes, John Wilson, John Coullass.

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#### OF THE FOUR AND TWENTY, that are not against the King's Interest.

Abraham ffaber, Richard Tennant, John Beckett, Thomas Waine, ffrancis Elwick, Roger Wilberfoss, Willm. Carleton, George Bracebridge, ffrancis Duckworth, John Pemberton, Thomas Watson, John Mould, ffrancis Taylor.

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#### NEW ALDERMEN to be put in, if the King pleases.

Phillip Langdaile, Esq., major, Charles ffairefax, Esq., Robert Doleman, Esq., Marmaduke Holtby, Esq., Robert Medley, Esq., Willm.

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Governor of Burlington, and the last Governor of York; High Sheriff for the county in 1666; M.P. for Aldborough, 1678, and for York city, 1685. After the landing of the Prince of Orange, he was in frequent correspondence with Lord Preston, the principal Secretary of State, and the Duke of Newcastle, the then Lord Lieutenant of the three Ridings; and the letters are in the possession of Sir F. Graham of Netherby, published in the Historical MS. Com. Report, vii.

Hardisty, gen., *John Cunstable, gen.*, Edward Saltmarsh, Esq., Leonard Robinson, gen., Abraham Hutton, gen., Mr. Richard Reynolds, ffrancis Taylor, gen., Mr. — Coullass.

Rychard Wynn, Dep. Recorder.

COMON COUNSELL MEN, that we hope will serve the King.

Peter Dawson, to be foreman, Roger Hardcastle, Wm. Sharpe, Jossiah Drake, Wm. Hickson, Richard Wood, John Hall, John Wood in Castlegate, Robert Neesome, John Ashton, Richard Maucklinson, James Jolyffe, Henry Gyles, Christo : Legard, Henry Stayneson, Roger Wynn, ffrancis Nicholson, Robert Sudbert, John Williamson, Edward Thwing.

OF THE FOUR AND TWENTY, that wee hope will serve the King.\*

Dr. Peter Vavasor,† John Hopton, Esq., Robert Doleman, Esq., Michaell Johnson, John Vavasour, George Ann, John Barney, Mr. John Barney, Dr. of Phisic, John Wilson, Leonard Wilson, Richard Crake, William Pickering.

\* In these Returns we have a remarkable illustration of the manner in which the sentiments of the Magistracy and others were canvassed. "Regulators" had been appointed by the King to examine and report on the qualifications of electors, so as to exclude all such as adhered to the Test and Penal Statutes; and thus those who, according to their answers, would not comply with the King in their elections, were replaced by others. The Magistracy thus named by the Crown had in many cases the elective power in its own hands, and by annulling Charters, the King, as Hume observes, "became master of all the Corporations, and could at pleasure change everywhere the whole Magistracy." Thus at York in the new Charter, it was provided that all the Magistrates were to be named by the King (Reresby, p. 272). We find again under the Returns for Ripon, given hereafter, another strong proof of this manner of proceeding. There, a sufficient number not being forthcoming, on whom the King could rely, the "neighbouring gentlemen" were actually proposed as Aldermen, and Sir Solomon Swale, Bart., Sir John Ingleby, Bart., Thomas Tancred, Esq., and others, were added to the Ripon Corporation. Bp. Burnet had this in view when he tells us that in some Boroughs, "Strangers from other counties were named who would comply with the Court." This state of things is thus commented upon by Lonsdale (Memoirs, p. 34):—"It is to be observed that most part of the officers of the nation, as, Justices of the Peace, Deputy Lieutenants, Mayors, Aldermen, and freemen of towns, were filled with Roman Catholics and Dissenters, after having suffered as many regulations as were necessary for that purpose. And thus stands the state of this nation in this month of Sept<sup>r</sup>., 1688." See note *postea*, "Sir John Boynton."

† Of York, married a daughter of Philip Langdale of Langthorpe, Esq., and his son succeeded to the Vavasour Baronetcy.

Answers.

The Answers of the Lord Major of York, the Recorder and  
the rest of the gentlemen Aldermen, taken the 17th  
of July, 1688.

THE LORD MAYOR OF YORK.

If I be chosen a member of Parliament, which I doe not expect to be, I will give my voate according to the best reasons I am capable of, when I heare the debates of the house, and doe hope there will be a very good understanding and agreement between the King and his Parliament when they meet.

I will endeavour to choose such members to serve in Parliament, as to the best of my judgement are men of good understanding, honest principalls and undoubted Loyalty, and also I believe will very well please the King.

I doe know it my duty to support the King's Declaration, and will doe it by liveing peaceably with all men of what persuasion soever they may be, as becomes a good Christian and a Loyall subject to doe.

(Signed),                    THOMAS RAYNES, Major.\*

THE DEPUTY RECORDER OF YORK.

In case I bee chosen a member of Parliament which I think is not probable, I will give my voate accordinge to the best Reasons when I heare the debates of the house, and doe hope there will be a good understanding and agreement betwixt the King and Parliament, when they meet.

[The remainder of this answer corresponds with the two last paragraphs of that of the Lord Mayor.]

(Signed),                    GEORGE PRICKETT, Dep.-Recorder.

\* Lord Mayor of York, 1688. Reresby says:—"He married a Papist," and was one of the new magistrates who replaced those put out by James II. in that year. Sir John Reresby tells us further:—Sept. 1 (1688), "I wrote several letters to the Lord Mayor of York Mr. Rains, to the Aldermen, and several citizens, declaring my intention to stand for citizen there in the next Parliament, and to desire their votes. The next post after I received for answer from his Lordship, that a Court of Aldermen had been called the day before he received my letter, and that they had resolved, as most of the twenty-four and commons had done, to choose two of the bench for their members—viz., Mr. Prickett, their Deputy Recorder, and Sir Stephen Thompson." ("Memoirs," p. 401.)

## ALDERMEN

|                        |                     |
|------------------------|---------------------|
| SIR STEPHEN THOMPSON.* | LEONARD WILBERFOSS. |
| JOHN WOOD.             | ROGER SHACKLETON.   |
| JOHN THOMPSON.         | WILLIAM TOMLINSON.  |
| HENRY TIREMAN.         | SAMUEL DAWSON.      |
| JOSHUA EARNSHAW.       |                     |

All the above named nine Aldermen signed answers identical with the one signed by the Lord Mayor.

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## ALDERMAN JOHN CUNSTABLE.

1. To the first I answer that since his Majestie hath assured us by his gracious declaration, that though the Penall Laws and Test shall be abrogated, he will nevertheless protect and maintaine the Archbishops and Bishops, Clergy and all his other subjects of the Church of England in the free exercise of their religion as established and in the full injoymant of their possessions, I doubt not but he will give his assent to such bills offered in Parliament, as shall effectually make good his word by an established Law, and therefore see noe cause why I may not give my voat, in case I be chosen a Parliament man, in such wise as will answer his Majestie's desire and expectation.

2. Secondly, I answer for the reasons above given, I apprehend not anything to the contrary, why I should not be for electing such Parliament men as will comply with the King's desire.

3. I will by the grace of God live quietly and friendly with the King's subjects of all perswasions.

(Signed),                    JOHN CUNSTABLE.

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## ALDERMAN THOMAS MOSLEY.

1. In case I be chosen a member of Parliament, though I am very inclineable to have the penall Laws taken of, yet think I ought in prudence to heare the debates of the house on that subject before I conclude what is fit for me to doe, not doubting a good agreement betwixt the King and his next Parliament.

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\* Was Lord Mayor of York in 1688, and ancestor of the Thompsons of Kirby. He was knighted in 1673, and brother of Sir H. Thompson, from whom Lord Wenlock descends.

2. In order to that end, I will give my voat for such to be members of Parliament, as in my judgement are men of good understanding, moderation, and of stedy and unquestionable Loyalty.

3. As I conclude it my duty, soe it hath been, and shall always be my practise, to live peaceably and quietly with all men, as becomes a Christian and Loyall subject.

(Signed),

THOMAS MOSLEY.\*

Sir Henry Thompson, Ald., absent.

**ALDERMAN SIR HENRY THOMPSON.**

1. I shall not indeavour to promote my self as either to Knt. of the shire, Cittizen or Burgess of any place, and as for electing of others, I am under an obligacion never to concerne my selfe any more in that affaire, as I did not in the last election for this Citty and County.

2. And as for my own particuler [opinion] for taking away the penall Laws and Test, I humbly conceive that liberty of conscience and penall laws in matters of Religion are inconsistant, soe that when it shall please his Majestie to call his Parliament, what they in their great prudence shall think fit to doe, I shall very peaceably and quietly acquiesse therein; as for the Test, I presume it was made for the preservation of the Protestant religion, and the Church of England, and I being borne and bred in that Communion, I hope it will not be expected from me to doe anything to its prejudice, when his Majestie has alsoe been gratiouysly pleased to pass his Royall word that he would maintaine it, which I look upon as Sacred as any Act of Parliament.

3. And lastly for liveing peaceably with all men, I have not, I hope, hitherto been accounted a disturber of the King's peace, or my neighbours, soe that if they suffer me to enjoy happy peace and quiet, I shall not in the least disturbe their tranquillity and peace, which God to preserve the King and Kingdome in, shall be my dayly prayer, Amen.

(Signed),

HENRY THOMPSON.†

\* Was Lord Mayor of York.

† Sir Henry Thompson of York, knighted at Newmarket in 1668 (Le Neve), was Lord Mayor of York in 1672, and ob. 1692. He was ancestor in the female line of Paul Beilby Thompson of Escrick, created Baron Wenlock; and was brother to Sir Stephen Thompson, also Alderman and Lord Mayor of Yo.k.

**St. Peter's Liberty, Ripon, and Ripon Corporation.**

The Answers of the Gentlemen Justices of St. Peter's Liberty in or about Rippon; As also of those of the Maior and Aldermen that are Justices within the said Corporation, taken 9th August, 1688.

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**SIR ROGER BECKWITH, BART.\***

I have answered these proposalls in the North Ryding of the County of York.

(Signed),

**ROGER BECKWITH.**

**WILLIAM DAWSON.**

1. If I be chosen a member of Parliament, I will shew myself a Loyal man, and will indeavor to the best of my judgement to promote his Majestie's interest and Government.

2. I will make choice of such persons to serve in Parliament, as I shall conceive to be men of that principall.

3. And I will, to the utmost of my power, support his Majestie's declaration as proposed.

(Signed),

**WILLIAM DAWSON.**

**MYLES STAVELEY, Esq.**

1. I cannot forme reasons satisfactory to my selfe to induce my consent to the taking of the penall Laws and Test.

2. But as to the Elective power, I shall voat for such men as I think Loyall to the King, and Capacious upon the debate to determine in that matter.

3. And as it is suitable to my Religion and temper, I will live peaceably with all men.

(Signed),

**MYLES STAVELEY.†**

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\* Of Aldborough; See *postea*.

† Ancestor of the Staveleys of Old Sleningford and North Stainley, near Ripon.

## THE DEAN OF RIPON.

1. Mr. Deane of Ripon said, that as he was a Clergyman, the first Question did not concerne him.

2. Alsoe that the second did not in the least affect him, for he had noe freehold, and was not capacitated to give his voat.

3. As to the third, several tymes he said he would give his answer, but at the last he told us, that to give his answer to support the King's declaration was against his conscience ; but as for liveing peaceably and quietly with all men of any perswasion whatsoever, he was ready to doe it, but said he could not consent to the first parte of this Question, he would not set his hand to the latter parte, and therefore he desired to be excused from giving us any thing at all under his hands.

## SIR EDWARD BLACKETT, BART.\*

Sir Edward Blackit, though he had notice, did not appeare, but went, whilst wee were taking answers within the Corporation of Rippon, through Rippon to dyne with a gentleman hard by, as wee were then told ; wee writ a letter to him to send us his answer in writeing, which he did, and told us that he had answered in the Northe Ryding.

## SIR JONATHAN JENNINGS.†

Sir Jonathan Jennings laid his hand on his brest, and told us he could not in his conscience owne our Commission.

## SIR EDMUND JENNINGS, M.P.‡

Sir Edmund Jennings absolutely disallowed our Commission, and did conceive it innimical to answer to any Questions of that nature, not offered in Parliament.

Sir John Ingleby, Bart., Sir Solomon Swale, Bart., Sir Wm. Tancred, Bart., *Christopher Graham, Esq., Roger Meynell, Esq., Christopher*

\* Second Baronet; was Mayor of Newcastle-on-Tyne, and purchased Newbury, in Yorkshire ; sat for Ripon in 1688.

† Sir Jonathan Jennings, Knt., was returned for Ripon in 1688-9 and 90.

‡ Sir Edmund Jennings, Knt., was M.P. for Ripon in 1689-90, and died in 1691. [C.O.L.]

Percehay, Esq., John Wyvill, Esq., Thomas Ingleby, Esq., Francis Wyvill, Esq., Francis Trupps, Esq. To be added to the Commission of the Peace for the liberty of Rippon, in the County of York.

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### MAYOR AND CORPORATION OF RIPON.

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#### THE MAYOR.

My quallificacions and circumstances are not such as that I may expect to be chosen a Burgess in Parliament.

I shall indeavour the choice of such gentlemen as are of knowne Loyalty, integrity and honesty, and will faithfully serve the King and Kingdome.

I will live friendly with all men as a good Christian and Loyall Subject ought to doe.

(Signed), WILLIAM CHAMBERS, Maior.

#### ALDERMAN JOHN DAWSON.

1. My State or other quallificacions are not such as capacitate me to be chosen a member of Parliament.

2. I have no Burrough in this or any other Corporation or Burrough Towne, nor any estate that does inable me to give my voate for electing members to serve in Parliament.

3. I will use my utmost indeavours to live peaceably and friendly with all his Majestie's Subjects, as a good Christian ought to doe.

his marke

(Signed), JOHN + DAWSON, Alderman.

#### ALDERMAN CHRISTOPHER HUNTON.

1. I am not in any circumstance capable of being a Burgess or Member of Parliament;

2. But if I were, I would give my voate for none but such as are gentlemen of known Loyalty, integrity, and honesty that will faithfully serve the King and Kingdome.

3. I do humbly . . . and indeavour to live peaceably with all men of all perswasions, as a good Christian ought to doe.

(Signed),

CHRIS: HUNTON.

NEW ALDERMEN to be put in at Rippon, if the King pleases:  
 Francis Wyvill, Esq., Maior, Sir William Tancred, Bart.,\* Mr. Evans  
 Messingert gen., Mr. John Piggott, Sir Solomon Swayle,† Bart., Sir  
 John Ingleby, Bart.,§ Thomas Tanckred,|| Esq., Henry Atkinson, Esq.,  
 Mr. William Ingleby, gen., Mr. John Mutus, gen., Mr. John Burton,  
 gen., Mr. John Sedgewick, Mr. Charles Duffield, Mr. John Pyat.

Sir William Dawson, Recorder.

### West Riding of York, Sept. 1688.

The Answers of the Gentlemen Justices taken at Skippton, the  
 14th of August, 1688.

THOMAS FAIRFAX, THOMAS FAWKES, AND HBNRY HITCH, ESQUIRES.

1. If in case any of us shall be chosen Members of Parliament, which  
 wee have noe prospect of, wee will give our voate upon heareing the  
 debates of the house, according to the best of our judgement as becomes  
 Loyall subjects and honest men.

2. Wee will give our voate for such men to be Members of Parlia-  
 ment, as wee believe to be men of sound judgement, understanding, of  
 good principalls, and truly Loyall.

\* Second Bart. of Boroughbridge.

† Possibly connected with the Messengers of Fountains Hall and Abbey.

‡ Of Swale Hall and South Stainley; created Baronet, 1660. He married, secondly, Anne, daughter of Charles Tancred of Whixley, Esq.; was M.P. for Aldborough in 1678. Reresby says:—"He was likely to be put out of the House for suspicion of being a Papist." (R., pp. 128, 143.) This did come to pass in 1678, when Sir Thomas Mauleverer sat, in his place, for Aldborough.

§ Of Ripley, 2nd Baronet.

|| Son and heir of Sir William Tancred, Bart.

3. Wee believe it soe farr our duty to support the King's Declaration for liberty of conscience, as to live peaceably with all men of what perswasion soever they be.

(Signed),

THO: FAIREFAX.

THO: FAWKES.

HEN: HITCH.

**AMBROSE PUDSEY, Esq.**

1. If I be chosen a Member of Parliament, I think my self obligeid to declare my opinion concerning the penall Laws and Test, according to the greatest Reason of the debate in the house.

2. I shall give my voate for such persons as are of untainted Loyalty.

3. I always look't upon those laws which punished men for meer conscience to be severe, and ame desirous to live friendly with all men.

(Signed),

AMBROSE PUDSEY.

**THOMAS PARKER, Esq.**

I am of the same opinion with Ambrose Pudsey, Esq.

(Signed),

THO: PARKER.

**CHARLES BULL, Esq.**

1. If I be chosen Parliament man, I shall be for takeing of the penall Laws and Statutes relating to Religious Worship, and the Test alsoe, if upon a full, free, and unprejudiced debate, the reasons of the house shall be for it.

2. If I concerne myself in the election of Knts. of the Shire for the county of York, where I am only concerned, I shall be for choosing Charles Lord Clifford,\* and Sir John Keye,† or other perasons of untainted Loyalty, if these stand not, as shall serve the King.

\* Son of Richard, 1st Earl of Burlington, and 2nd Earl of Cork. He was called to the House of Peers as Lord Clifford of Lanesborough, and died *in vitiis patris*. He, with Sir John Kaye, became a Knight of the Shire for Yorkshire, in 16—, Lord Fairfax being a defeated candidate.

† Sir John Kaye, and Bart. of Woodsome, was M.P. for Yorkshire; in the following century the Woodsome and some other estates passed with an heiress to — Legge, Viscount Lewisham, in whose descendant the present Earl of Dartmouth, they still remain vested. The Lister-Kaye family, of Denby Grange, who still hold a Baronetcy, were collaterally connected with the subject of this note.

3. I am willing to live friendly and peaceably with persons of all persuasions.

(Signed),

CHARLES BULL.

### **Leeds Corporation.**

The Answers of Maior, Recorder, and Gentlemen Aldermen of the Corporation of Leeds, taken the 15th of August, 1688.

#### **THE MAYOR.**

1. I never expect to be a Member of Parliament, but if I were, the Reasonable voates of the house should guide me.

2. I will vot for Loyall persons, being members of the Church of England, as now by Law established.

3. I always did, and ever shall live peaceably with all men.

(Signed),

HENRY STANHOPE, Maior.

FRANCIS WHITE, Recorder,  
and ALDBRMEN, HENRY SKELTON, THOMAS DICKSON, THOMAS POTTER,  
WILLIAM ROOKE, WILLIAM SAIER, WILLIAM MASSIE, HENRY PAWSON,  
MICHAEL IDLE, THOMAS KITCHINGMAN, and MARMADUKE HICKE.

Wee whose names are underwritten are all of the same opinion with Mr. Stanhope.

(Signed),

Fran. White, Recorder.

Wm. Rooke.

Mich. Idle.

Henry Skelton.

Wm. Saier.



Tho. Dickson.

Wm. Massie.

Marmaduke Hicke.

Tho. Potter.

Henry Pawson.

Alderman Nevill and Alderman Ibittson did not appeare ; since, they have sent their answers as followeth.

#### **ALDERMAN JARVIS NEVILL AND JOSHUA IBITSON.**

1. Wee never expect to be Members of Parliament, but if wee were, the reasonable voates of the house should be our guide.

2. Wee will voate for Loyall persons, being members of the Church of England, as is now by Law established.

3. Wee shall ever indeavour to live peaceably with all men.

(Signed),

JARVIS NEVILL.

JOSHUA IBITSON.

JASPER BLYTHMAN, Esq.

1. If I should be chosen member of Parliament, I judge I ought not to preingage my selfe by consenting to the demands, before arguments may be heard in parliament, and I am further sensable, that the Protestant Church may be deeply concerned herein as to its security, which I am bound to support by all lawfull meanes.

2. Until such penall Lawes and Test may be made appeare repugnant to the protestant interest, I cannot contribute to any such election.

3. I will live peaceably with all men as it is the duty of every good Christian to doe, and in what may be required of me I shall indeavour to acquit myself with a due regard to the Lawes and the discharge of a good conscience.

(Signed),

JASPER BLYTHMAN.\*

The Answers of the Gentlemen Justices, taken at Pontefract the 20th of August, 1688, together with the Mayor and Aldermen of the said Corporation.

VISCOUNT DOWNE, SIR HENRY GOODRICK, KNT., SIR HENRY COOKE, BART., SIR THOMAS YARBURGH, KNT., SIR MICHAEL WENTWORTH, KNT., WILLIAM LOWTHER, Esq., FRANCIS WHITE, Esq., THOMAS YARBURGH, Esq., THOMAS HORTON, THOMAS VINCENT, JOHN RAMSDEN, WELBURY NORTON AND WILLIAM ELLIS, ESQUIRES, AND SIR JOHN KAYE, BART.

Seeing there is noe Commission produced from the King, neither any authority appears to us by the Statutes of the Militia whereby Answers to the Questions may be required; Wee take leave to make this De-

\* Was a W. Riding Justice.

claration, that wee think ourselves under noe obligacion to reply to them, otherwise then to show our willingnesse to express our obedience wherever, and by whomsoever the King's name is made use of.

1. If any of us be chosen members of Parliament, wee judge wee ought not to pre-engage our selves by consenting to the demand before arguments may be heard and considered in parliament, and wee are further sensable, that the protestant Church may be deeply concerned herein as to its security, which Church wee are bound to support by all lawful means.

2. Until such penal Lawes and Test may be made appear to be repugnant to the Protestant interest, wee cannot contribute to any such Election.

3. Wee will live peaceably with all men, as it is every good Christians duty to doe, and in what may be required of us, wee shall endeavour to acquit our selves with a due regard to the Lawes, and the discharge of good Consciences.

|           |                   |                 |
|-----------|-------------------|-----------------|
| (Signed), | DOWNE,*           | THO. YARBURGH.  |
|           | HEN. GOODRICK,†   | THO. HORTON.**  |
|           | HENRY COOK,       | THO. VINCENT,   |
|           | THO. YARBURGH,‡   | JOHN RAMSDEN,   |
|           | MICH. WENTWORTH,§ | WELBURY NORTON, |
|           | WM. LOWTHER,      | WM. ELLIS,      |
|           | FRAN. WHITE,      | JOHN KEY.¶      |

SIR WILLIAM TANCRED, KNT., JOHN RYTHON, WILLIAM HAMOND,  
MICHAEL ANN, AND JOHN FANING, ESQUIRES.

Wee will in these and in all other his Majestic's Commands comply to the utmost of our power.

|           |              |              |
|-----------|--------------|--------------|
| (Signed), | Wm. TANCRED, | MICH. ANN,   |
|           | JOHN RYTHON, | JO. FFANING. |
|           | WM. HAMOND,  |              |

\* Sir John Dawnay, Knt., of Cowick, near Snaith; was M.P. for the county of York; appears on the Sessions Rolls at Pontefract, April, 1680, as Sir John Dawnay, in which year he was created Viscount Downe.

† Of Ribston, near Knaresborough; M.P. for Boroughbridge, 1675; and Ambassador at Madrid.

‡ Of Baine Hall and Snaith; M.P. for Pontefract in 1685 and 1688; cousin to Sir John Reresby of Thrybergh.

§ Of Woolley.

|| Of Campsall; uncle to Sir Thos. Yarburgh and Sir John Reresby.

\*\* Of Howroyde, in the parish of Halifax.

¶ Of Woodsome.

## SIR MILES STAPLETON, BART.

I doe faithfully promiss that I will use my utmost interest and indeavours towards electing such Parliament men as will concurr and comply with his Majestie for taking away the Penal Lawes and Tests. Witness my hand subscribed,

20th day of Augt., 1688.

(Signed),                  MYLES STAPLETON\*.

## JOHN TOWNLEY, Esq.

1. I believe I shall not be elected a member of Parliament, but if I be, I will be for the takeing away the penall Lawes and the Test.

2. I will assist and contribute to the Eleccion of such members as shall be for takeing off the Penall Lawes and the Test.

3. I will support the King's declaration for liberty of conscience by liveing friendly with those of all perswasions, as the subjects of the same prince and as good subjects ought to doe.

(Signed),                  JOHN TOWNLEY.

## SIR JOHN BOYNTON, KNT., SERJEANT-AT-LAW.

1. I neither designe, desire, or deserve to be a parliament man, but whether I be or not, I think it reasonable to take away the penall Lawes and Test according to his Majestieis Gracious Declaration.

2. I shall certainly endeavour to choos such for parliament men as I consider to be of the same opinion with myself.

3. I have always indeavored to live peaceably with my neighbours of different perswasions, and I hope I shall ever continue to doe to others, as I would they should doe to me.

(Signed),                  JOHN BOYNTON.†

\* Of Carlton, born 1631; created Bart. 1661; died 1707, a.p. Reresby mentions that the said Sir Miles was one of those to be tried at York, in 1680, for high treason, being concerned in the Popish plot.

† This Justice was of Rowcliffe, and is first styled Knight, at Pontefract, in April, 1679, though he was knighted in June of the year preceding; and Serjeant-at-Law, also at Pontefract, April, 1681. He is further mentioned as present at Pontefract Sessions, in April, 1688, and referred to in the following account by Sir John Reresby of the proceedings of that day:—"April 24 (1688). I went from York to Pontefract, where the General Quarter Sessions began that day for the West Riding of Yorkshire. There were four-and-twenty Justices of the Peace of the principal gentry of the

Gentlemen Justices at large that did not appear:

Sir Henry Marwood,\* Sir John Otway, Sir John Reresby, Henry Bouth, ffrancis Jessop,† Cuthbert Wade, *Jasper Blythman*, Walter Calverley, Ralph Hansby, *Thomas Heseltine*, Charles Osburne, Richard Redman, Christo: Wilkinson, Esquires.

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In December last I answered these questions in the East Riding to the Right Honorable the Lord Langdale, to which answer I must referr myself.

(Signed),

THO: HESELTINE, Cler' Ass'.

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### Pontefract Borough.

#### MAYOR AND CORPORATION OF PONTEFRACT.

I—Wee doe not expect to be chosen Burgess for Parliament, but if wee be, wee think wee ought not to be prepossessed with an opinion,

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county together; the West Riding not having yet been examined as to their dispositions of taking away the tests and the penal Laws, as the East and North Ridings had been before, where the prime of the gentry in both had been put out of commission of Justice of Peace and Deputy Lieutenants for declaring themselves in the negative, and ordinary persons (most of them Dissenters) had been put in their room. The Popish Justices, in number six, and Sir John Boynton, the King's Serjeant, who aspired, I presume, to be made a judge, moved an address might be signed and presented to his Majesty, of thanks for his late indulgence for liberty of conscience, not only from the justices there, but the two grand juries. But neither any of the justices but those I have named, and one Mr. Ball, nor any of the Grand Juries, would join in signing the address. However, the Roman Catholics, and those gentlemen, sent it up subscribed by themselves as the act of the whole Sessions." This bears very materially on the whole question, and, as Sir John Reresby adds:—"The King was much deceived by such acts as these—three or four men in divers places pretending to represent the thoughts of a whole corporation or county." ("Memoirs," p. 393).

\* Sir Henry Marwood, Bart., of Little Bushby, appears, according to the Sessions Rolls, to have attended last in 1682. He was High Sheriff of the county of York in 1675; and brother-in-law of Lord Darcy of Aston.

† Mentioned by Reresby as a "favourer of Dissenters."

either for doeing or not doeing of a thing before we appeare in Parliament and heare the debates and Reasons of the house, and then to terminate our Judgments, accordingly as the Reasons there weigh with our understandings.

2—If wee give our voats for members in Parliament, wee shall give it for such as are of knowne loyalty to the King, and wee hope will prove faithfull to the Church of England, as now by Law established.

3—Wee doe and ever did desire to live peaceably and quietly with all our neighbours, and will contribute soe much as lyes in our power towards it.

(Signed),      FRAN. KELHAM, Maior,      Wm. STAVELEY, Ald.  
 ROB<sup>RT</sup>. FFRANK, Recorder,      GERVIS SHILTOE,  
 J. FRANCK, Alderman,      HASTINGS SAYLE, Ald.  
 RICHARD AUSTWICK, Ald.      P. MASON, Ald.  
 SAMUEL TAYLOR, Ald.      JOHN ABBOTT, towne Cl.

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#### ROBERT WARD, WM. LAPIDGE, JOHN WILDMAN.

1.—Wee doe not expect to be chosen members to sit in Parliament, but wee are for takeing of the Penall Lawes merely upon the account of Religion, and the Test, provided the Protestant Religion may be loyally preserved and secured as well as now it is.

2.—Wee will endeavour to choose persons of sober and moderate principalls, and of approved integrity and loyalty.

3.—Wee will support his Majestie's gracious Declaration, and will live peaceably with all persons, thoug of different perswasions, as becomes good Christians, and subjects of the same Prince.

(Signed),      ROBERT WARD,  
 WM. LAPIDGE,  
 JOHN WILDMAN.

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#### ROBERT STANFIELD.

I doe freely consent to that his Majestie demands of me.

(Signed),      ROBERT STANFIELD.

ALDERMEN to stay in, if the King  
pleases, at Pontefract :

*Mr. Robert Warde,*  
*Mr. William Lapidge,*  
*Mr. Gervis Shilitoe,*  
*Mr. John Wildman,*  
*Mr. Robert Stanfield,*  
*Mr. Hastings Sayle,*

NEW ALDERMEN to be put in at  
Pontefract, if the King think fit :

*Mr. Timothy Lyle,*  
*Mr. John Mell,*  
*Mr. Willm. Lee,*  
*Mr. Willm. Key,*  
*Mr. Robert Ward,*  
*Mr. Wm. Lapidge,*  
*Mr. John Wildman,*  
*Major, Mr. Robert Stainfield,*  
*Mr. Tho. Ingleish,*  
*Mr. Holcoale,*  
*Mr. Rob<sup>t</sup> Staveley,*  
*Mr. Peter Mason,*  
*Mr. Robert Moore,*  
*Mr. John ffrench,*  
*Mr. Richard Austwick,*

Mr. Arthur Gargrave for Towne Clerke,  
Laver Witton, Recorder.

### North Riding.

#### DEPUTY LIEUTENANTS.

The Answers of the Deputy Lieutenants to his Majestie's  
three propositions, given in at Thirske to the right Honorable  
Charles Viscount Fairfax, Lord Lieutenant of the North riding  
of Yorkshire, the fourth day of January, 1687.

#### SIR HENRY MARWOOD, BART.

If his Majestie's promises in his gracious declaration, be made good  
to us, by such an Act of Parliament, as shall well secure the Church of  
England in the Liberty of conscience, and in the properties of their  
estates, as they are now, I shall inclyne that penall Lawes may be made  
easie to all Decentors.

If I concerne myselfe in the Election of any Member of Parliament, it shall be for such an one, as in my Judgement, shall be loyall to his Majestie, and carefull of the national interest.

I have always approved soe much of the King's Declaration, that I resolve to live peaceably with all men as Loyall subjects ought to doe.

(Signed),                    HENRY MARWOOD.\*

#### SIR THOMAS PENNYMAN.

First, If I be chosen a member of Parliament, I shall be reddy to give my vote according to the reasons of the debate in the house, and not otherwise.

Secondly, If I doe concerne myselfe in the election of any to serve as a member of Parliament, I shall give my vote to such, as, to ye best of my judgement, will serve the King and the Crowne faithfully and honestly.

Thirdly, I thinke myselfe obliged to live peaceably and quietly with all men, as becomes all Loyall subjects.

(Signed),                    THOMAS PENNYMAN.†

#### SIR WILLIAM CAYLEY, BART.

Firste, If I be chosen a Parliament man, I shall give my vote according to the arguments and reason of the debate in the house.

Secondly, If I shall concerne myselfe in the election of any Parliament man, I shall give my vote for such as I thinke will serve the King and Kingdome faithfully.

Thirdly, I doe thinke myselfe obliged to live peaceably with all men, as becomes a good Christian and a Loyal subject.

(Signed),                    WILLIAM CAYLEY.‡

#### SIR WILLIAM HUSTLER, KNT.

I. If I be chosen Parliament man, I judge it a duty incumbant upon me to give my vote in all debates in the house, as my reason and judgement shall direct me.

\* Second Bart., of Little Bushby (or Buskby); married, 1st, Margaret, daughter of Conyers, Lord Darcy; and, 2ndly, Dorothy, daughter of Allan Bellingham of Levens, in Westmorland. He sat for Northallerton in 1685.

† Of Ormesby; Lord Privy Seal to King William III.; married Frances, daughter of Sir John Lowther of Lowther, in Westmorland.

‡ Second Bart. of Brompton.

2. If I use my interest in the Election of any for member in Parliament, it shall be for such as I believe will serve his Majesty and the nation faithfully and honestly.

3. It has ever been my desire to live peaceably with all men and hope always to doe soe.

(Signed),                    Wm: HUSTLER.\*

**SIR RICHARD GRAHAM, OF NORTON CONYERS, BART.**

I doe fully consent to these Questions, not doubting of his Majestie's gratiouse performance expressed in his most Christian Declaration.

(Signed),                    R: GRAHAM.

**SIR BERENTINE (*sic*) BOURCHIER.†**

First—If I shall be chosen a member of Parliament, I thinke myselfe obliged to give my vote according to the reason of the debate of the house of Commons.

Secondly—if I shall concerne myselfe in the election of any to serve as a member of Parliament, I think myselfe obliged to give my vote for such as shall, to the best of my judgment serve the King and Kingdome honestly and faithfully.

Thirdly—it was always my principle to live peaceably and friendly with all men as becomes a good Christian and a Loyall subject.

(Signed),                    B: BOUCHIER.

**SIR DAVID FOULIS, BART.**

To the 1 Question, I humbly answer,

That I have no thoughts of being a Parliament man, so to that particular I can only say, (with all duty and submission) that I ever judged divers of the penall Lawes very severe, and if I were a Parliament man,

\* Of Acklam, in Cleveland; married a daughter of William Osbaldeston of Hunmanby, and relict of Sir Matthew Wentworth, Bart.

† Sir *Barrington* Bourchier of Benningbrough. He was grandson of Sir John Bourchier, one of the Regicides; and married daughter of Mark Milbanke of Alnaby; was born 1654; and his estate returned as £1000 per annum as one of the intended "Knights of the Royal Oak." His father, Barrington Bourchier, married daughter of Sir W. Strickland, Bt. of Boynton.

should hartily press and wish (as I now do) a review were made of them and the Tests; and when the debate should be argued in the house, for or against them, I should most faithfully declare my judgement according to my conscience and reason.

To the second I answer,

That as to my elective part, when occasion is, I shall endeavour that such be chosen, as I truely thinke are undoubtedly Loyall and faithfull to the Crowne, of unbyast judgments rightly to understand the penall Lawes and Tests, and fitt for the service of their country.

To the third answer,

That as I ever admired moderation, soe I shall alwayes endeavour to live in full peace and amity with all my fellow subjects that are truly faithfull to the King, and shall perswade others to do the like. To all which I subscribe my name.

(Signed),                    DAVID FOULIS.\*

#### SIR HUGH CHOLMELY, BART.

To the 1 Question,

As I never used previous meetings to leade my Votes, so I alwayes voted as I thought, upon hearing the debate, and therefore cannot give a certaine answer to the question undiscussed.

To the 2d.

It is still more difficult to know how another man will give his vote. I shall endeavour to choose such members as will act and vote as I myself would doe.

To the 3d.

Noe man can differ more in opinion from myself, than I differ at the same time from him, and in equal causes, the liveing fairly seems to me a debt soe justly due to humaine nature, I must thinke meanly of any one, [*who*] should either Slacken his kindness, or other friendly office, meerly on account of Religion or opinion.

(Signed),                    HUGH CHOLMELY.†

\* Of Ingleby Manor, mentioned by Reresby as a North Riding Justice; was M.P. for Northallerton in 1685.

† Of Whitby, M.P.; 4th Bart., and ancestor of the Cholmeleys of Howsham; he presented to the House a petition against Sir John Reresby's election for York, in 1685. The 1st Baronet Sir Hugh, was the well-known defender of Scarborough Castle.

## SIR METCALFE ROBINSON, BART.

To the first,

When his Majesty will be pleased to lett his gracious promises in his declaration pass into a Law, I shall then consent to the takeing away the Test and Penall Lawes.

To the 2nd.

I shall endeavour to chouse such men for members of Parliament, as I do really beleve will faithfully serve both King and his Kingdome.

To the 3d,

I have always lived peaceably and friendly (as tis well knownen), with all my neighbours of what opinion soever and ever will doe, as much as in me lies.

(Signed),

M: ROBINSON.\*

## SIR THOMAS SLINGSBY, BART.†

1. As for my being for a Parliament man, I have noe circumstances to beleve itt, but if I were, I shall vote to the best of my judgment and conscience to serve the King and country.

2. And as my duty obliges me to be loyall (as my predecessours were), soe I shall give my vote to the satisfaction of the Crowne.

3. I have alwayes been inclined to live peaceably and in charity with all people, being what all good people ought to doe.

(Signed),

THOMAS SLINGSBY.

## THE HONORABLE JOHN DARCY.

If I am chosen a member of Parliament, I will give my opinion according to the debate of the house, that way which my reason shall tell me the most advantageous to the King and Government, but my present opinion is not to repeale the penall Lawes and the Test.

If I doe give my interest to any to serve in Parliament, it shall be to such as I thinke knowinge men, and well affected to the King and governement as established.

\* Of Newby-on-Swale, created Bart., 1660; M.P. for City of York in 1661 and 1685; died 1689, when the Baronetcy became extinct; was ancestor of the Lords Grantham, and the present Marquis of Ripon.

† M.P. for Scarborough in 1685.

It has been my desire, and ever shall be, to live peaceably and quietly with all men, as becomes a good subject, and a good Christian, and will ever doe soe.

(Signed),                    J: DARCY.\*

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**Justices of the Peace.**

**The Answers of the Justices of the Peace.**

SIR JOHN LAWSON, BART.

+ I fully joyne to the King's proposalls.

(Signed),                    JOHN LAWSON.†

JOHN CROSLAND, Esq.

+ I fully joyne to the King's proposalls.

(Signed),                    JOHN CROSLAND.

FRANCIS TUNSTALL, Esq.

+ I fully joyne to the King's proposalls.

(Signed),                    FRANCIS TUNSTALL.

EDWARD SALTMARSH, Esq.

+ I fully joyne to the King's proposals.

(Signed),                    EDWARD SALTMARSH.

GEORGE WITHAM, Esq.

+ I fully and hartily joyne to the King's proposals.

(Signed),                    GEORGE WITHAM.

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\* Colonel John Darcy, son of Conyers, Lord Darcy, by Lady Frances Howard, and grandson and heir to the Earl of Holderness; removed from his appointments owing to his votes in the House of Commons, 1685; "forbidden the King's presence;" sat for Richmond in 1688. It was remarked that when the Prince of Orange issued his Declaration in 1688, Colonel Darcy, being ordered to arrest Lord Lumley, then in the North Riding, "pretended he could not find him." A list of the officers of his regiment in the North Riding is appended, among whom are some of the answering Deputy Lieutenants.

† Of Brough Hall; created Bart., 1665.

**ROGER MEYNELL, Esq.\***

+ I freely and cheerfully assent to his Majestie's proposals.

(Signed),                   **ROGER MEYNELL.**

**WILLIAM PEIRSON, Esq.**

+ I freely and cheerfully assent to his Majestie's proposals.

(Signed),                   **WILLIAM PEIRSON.**

**SIR EDWARD BLACKETT, BART.†**

To the first,

If I shall be chosen a member of Parliament, I shall give my vote according to the reason of the debate in the house.

To the second,

If I doe concerne myselfe in the election of any member of Parliament, it shall be for such as are Loyall to the prince, and who I hope will discharge their trust faithfully, and honestly to the King and Kingdome.

To the 3d,

I thinke myselfe obliged in conscience to live peaceably with all men, as becomes a good Christian.

(Signed),                   **EDW: BLACKETT.**

**SIR WILLIAM DAWSON, KNT.**

If I be chosen a Member of Parliament, I will shew myselfe a Loyall man in promoting, to the best of my judgement, his Majestie's interest and government,

And I will vote for such persons to serve in Parliament, as I shall conceive to be of that principle,

And I will to my power support his Majestie's Declaration, as is proposed.

(Signed),                   **Wm: DAWSON.**

(in a later hand)           **SIR Wm: DAWSON, Knt.**

\* Of North Kilvington. The entries marked thus + have all a cross before them in the MS.

† M.P. for Ripon in 1688.

## THOMAS WORSLEY, Esq.

1st. If I be chosen a Parliament man, I shall goe free into the house, and give my vote as my judgement and reason shall direct, when I heare the debates.

2nd. If I be concerned in the election of any member, it shall be for such as I thinke will serve the King and country faithfully and honestly.

3rd. I alwayes shall desire, and hope to live peaceably and honestly, as becomes a good Christian, and a Loyall subject.

(Signed),                  THOM: WORSLEY.\*

## GEORGE MEYNELL, Esq.

+ I hartily and freely consent to what the King desires.

(Signed),                  GEORGE MEYNELL.

## CHARLES TANKRED, Esq.

1. I cannot condescend to take away all the penall Laws.

2. I shall endeavour to elect for the same.

3. I shall endeavour to live peaceably with all men.

(Signed),                  CHARLES TANKRED.†

## JOHN HILL, Esq.

1. When his Majestie shall please to call a Parliament, and I shall be chosen a member of the house of Commons, I will endeavour to serve his Majestie faithfully and dutifuly, and regulate my votes according to my judgement upon the arguments of the house.

2. When I assist in the choice of any Parliament men, I will promote the Election of such, as I believe will act according to the foregoing answer.

3. I am resolved to observe his Majestie's Declaration, by liveing in peace with all my fellow subjects, tho' of different perswasions, according to the law of God, and the pleasure of my prince.

(Signed),                  JOHN HILL.

(In the margin):—Mem.: has since given another answer to the Lord Lieut.

\* Of Hovingham; was M.P. for Malton in 1685; died 1715; ancestor of the present Sir William Worsley, Bart.

† Probably son of Sir William Tancred, 2nd Bart. of Boroughbridge.

## THOMAS PULLEINE, Esq.

If I shall be chosen to serve in Parliament, when I heare the debate there, I shall according to the best of my judgement, vote as becomes a Loyall and honest man,

And if I shall concern myselfe for the electing of any, they shall be such, as in my opinion, will show themselves truely Loyall, and honest men by their votes,

And as to my liveing peaceably, my duty both to God and man obliges me to do it, and I shall alwayes endeavour it.

(Signed),                    THOM: PULLEINE.\*

## + THOMAS BENLOWES, Esq.

I think when an opportunity is offered by his most gracious Majesty of easing his Loyall dissenting subjects from the rigour of the penall Lawes, under which they have long groaned, I ought not in conscience decline contributing my utmost endeavour thereto, soe farr forth as I may, without destroying the Religion of the Nation, as by law establisht.

I will doe my endeavor that such be chosen to serve in Parliament as be of Loyall principles, and the same opinion.

And in as much as I have alwayes loved moderation, and admired the great condiscention of our most excellent Prince, in his most gratiouse Tolleration, I will not only live peaceably under it, as becomes a loyall subject and good Christian, but endeavour to support it.

(Signed),                    THOMAS BENLOWES.

+ THOMAS CHOLMELY,  
+ + SIR ROGER BECKWITH,

+ CONSTABLE BRADSHAW,  
+ TOBY JENKINS.

To be added.

DEP.-LT. JOHN GIBSON,  
ANTHONY LOWTHER,  
HUGH SMITHSON,†  
HENRY CROSSLAND,

NICH. CONNIERS,  
THO. WAKEFIELD,  
THO. CHALONER.

(Endorsed), North Riding of Yorke, Feb. 1687.

\* Of Killinghall and Carleton; Sheriff for Yorkshire, 1696, and Master of the Stud to William III.

† Of Stanwick, 3rd Bart.; grandfather of Sir Hugh, who inherited the Earldom of Northumberland.

The Return of those who were to replace existing magistrates and Deputy Lieutenants, appears in the foregoing Report of the Lords Lieutenant; but, care was also taken by the King, to appoint special Agents to visit the Boroughs and Corporate Towns, and ascertain and report upon their disposition in respect of the Laws he proposed to abrogate.\* If a Borough or Corporate Town appeared hostile to the King it was easy to have recourse to a forfeiture of its charter, and afterwards secure on its renewal an electoral element favorable to the Royal intentions, and certain to return to a new parliament a member or members that would promote their fulfilment.

The Report in question of the King's Agents† in Yorkshire, is found in another Volume of original State Papers in the Rawlinson Collection. It gives the Berkshire, Buckinghamshire, and other Returns, but for the present purpose only the entries affecting Yorkshire have been extracted.

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### Report of King's Agents.

To the King's most Excellent Majestie,

May it please Your Majestie,

Wee most humbly tender to Your Majestie an accompt of the Transactions of several of those Agents, lately sent into the Country, and of the Progress they have made, in the affair by Your Majestie committed to them, so farr as the same is yet come to our hands. None of those Agents, except from Somersetshire and Devonshire, being yet returned, but dayly expected.

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\* See Secret Instructions in Sussex Returns.

† We obtain the names of some of these Agents from a corresponding Report sent in from the South of England, viz.—Dr. Nehemiah Cox and James Clarke for Wiltshire and Dorsetshire; Mr. Benjamin Dennis and Richard Adams for Cambridge, Norfolk, Suffolk, and Essex; Nathaniel Wade, John Jones, and Richard Andrewe for Somerset and Devon; the remaining Agents for Hants, Sussex, Lincolnshire and Yorkshire are not named, and in the State-papers in the Collection from which the above Report is taken, no mention is made of like Agents for the four Northern Counties, or for Wales.

Wee do find that the Dissenters are firm to their resolutions, and not shaken by any endeavours that have been used to the contrary.

That the Books, that have been dispersed, have had very good effect, to the satisfyeing, and establishing very many, though great endeavors have been used by the Church party to diswade people from reading of them.\*

That a great inconvenience attending this affair, is the suggestions that are propagated by Churchmen, and some others disaffected, residing about London.

However wee have no Reason to doubt, but there will be an Election of members for the Parliament, that will readily concurr with Your Majestie in establishing the Libertie proposed by Your Majestie's most Gracious Declaration.

As a further satisfaction to Your Majestie wee humbly tender an accompt, so farr as wee can learn from the Electors, who they intend to choose in the respective Counties, Corporations, and Borroughs following, and what their respective inclinations are.

**YORKSHIRE.**—Wee have no accompt yet whom the County intend to choose.

**YORK.**—They will choose Sir John Reresby, and Sir Metcalfe Robinson.

The first is undoubtedly right, and the last has given a good assurance, that he will be so.

The Lord Sunderland's Letter is desired to Alderman Moseley, to improve his interest for their Election.

**KINGSTON UPON HULL.**—They will choose Sir James Bradshaw, but have not pitched. They make some objection against Mr. Popple, and intend to perswade Sir John Boynton to stand. If he decline, they will set up some other moderate fitt man.

**KNARESBOROUGH.**—Will choose Sir Henry Slingsby, and William Stockdale. Both good men.

**SCARBOROUGH.**—They will choose Captain Thomas Condon, and who else Your Majestie shall appoint.

\* This alludes to the pamphlets dispersed throughout the country in order to counteract the ill effect of the Prince of Orange's answer through his Minister Fagel, on the subject of the Repeal of the Test and Penal Statutes, which was adverse to their abrogation.

RIPON.—They will choose Sir Jonathan Jennings, and who else Your Majestie shall name in the right of the Arch-Bishoprick of York. They propose Sir William Dawson to be the other.

RICHMOND.—They will choose John Darcy, and Thomas Cradock; both right men.

HEYDON.—They will choose Henry Guy, and Charles Duncomb; the towne being theirs.

BOROUGH BRIGS.—They will choose Sir Richard Maleverer, and Sir Henry Goodrich. The first they know to be right; and the last they hope will be so. If Your Majestie have any doubt therein, The Queen Dowager always recommends one to be chosen.

MALTON.—Will choose Sir Watkinson Tayler, and Esquire Pawlins, who are judged to be right.

THIRSK.—They will choose Sir Richard Graham, and Mr. Franklin; the last of which is doubtfull.

ALBOROUGH.—Will choose Sir Michael Wentworth, and Sir John Reresby, if not chosen at York; and if so, Sir Roger Beckwith, who they accompt right.

BEVERLEY.—They will choose the two Whartons. No other names are returned.

N. ALLERTON.—They will choose William Robinson. Sir Gilbert Gerard hath declined standing here, expecting to be chosen at Durham. Mr. Thomas Lassells, that hath the interest of the place, will take care another good man shall be chosen.

PONTEFRACT.—They will choose the Lord Downe, and Sir Thomas Yerbery. Tis concluded they will comply with Your Majestie, though they were cautious in discovering their opinions to some gentlemen, being strangers to them.

(Endorsed),  
Returns from the Agents  
in the Country.  
Sept. 1688.

[Rawl. MS. A., 139 B.]

**A List****OF THE OFFICERS IN COLLONELL DARCY'S REGIMENT, IN THE  
NORTH RIDING OF YORKSHIRE.**


---

Collonell John Darcy,  
 S<sup>r</sup> Marmaduke Wyvill, Lieutenant Collonell,  
 Thomas Rookeby, Maior,  
 George Norton, Captaine,  
 ffrancis Wyvill, Captaine,  
 William ffielding, Captaine,  
 John Wycliffe, Captaine.

---

S<sup>r</sup> David ffoules, Collonell,  
 S<sup>r</sup> Thomas Peneman, Leutent. Collonell,  
 Thomas Worsley, Maior,  
 Robert Bughell, Captaine,  
 William Challoner, Captaine.

---

S<sup>r</sup> Roger Strickland, Collonell,\*  
 S<sup>r</sup> John Tempest, Leuitant Collonell,†  
 Tho. Gower, Maior,  
 Towers Driffield, Captaine,  
 John Talbott, Captaine.

---

\* High Sheriff for the county, 1688.

† Sir John Tempest of Tong, created Baronet in 1664.

**A List**

**OF OFFICERS IN MY LORD FFALCONBRIDGE'S TROOP, IN THE NORTH RIDING OF YORKSHIRE.**

---

William ffoules, Leutent<sup>t</sup>.  
Nicholas Conyers, Coronett.

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S<sup>r</sup> Hugh Chomley, Captaine,  
S<sup>r</sup> Berentine Bousser\* (*sic*), Leutent<sup>t</sup>.

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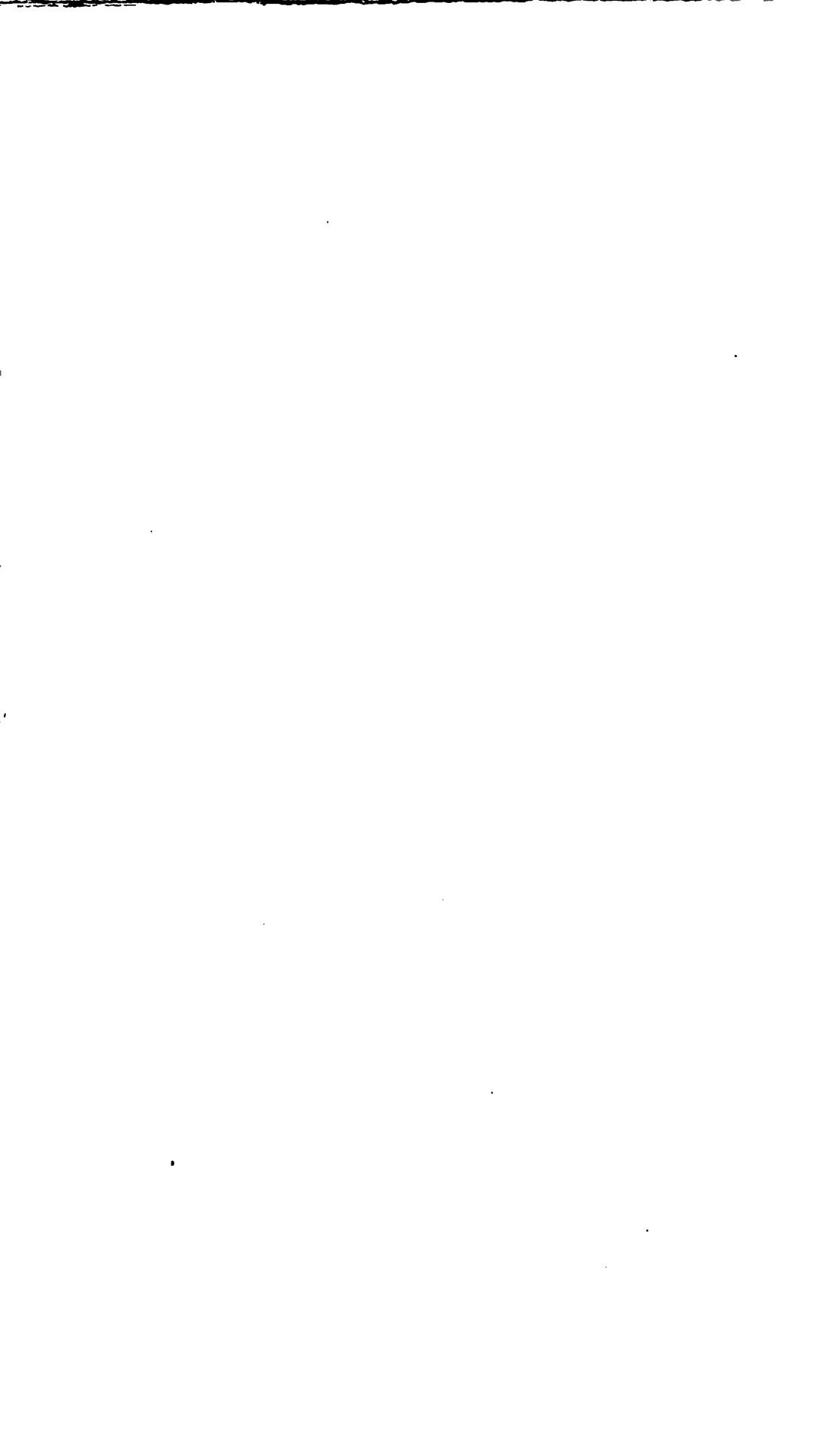
S<sup>r</sup> Midcalfe [*Metcalf*] Robinson, Captaine,  
Charles Tanker,† Leutent<sup>t</sup>.  
William Tanker, Coronett.

[Rawl. MS. A. 139 a. Bibl. Bodl.]

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\* Sir Barrington Bourchier; See note p. 94.

† Tancred, Tankard, Tankred.



Burham.



# Penal Laws and Test Act;

PROPOSED REPEAL OF THE SAME IN 1687-8,

*In respect of the Magistrates and Deputy Lieutenants of Durham.*

[From the Original State Papers in the Bodleian.]

To the three Questions proposed by James II. to the Magistrates and Deputy Lieutenants of the County of Durham, the entries are very restricted, being confined to three only of their AUTOGRAPH Answers, and one Return from Nathaniel,\* Bishop of Durham, the Lord Lieutenant of the County, touching the votes of the Mayor and Corporation of the City.

With regard to this measure of James II., taken in its true light as a canvassing project of that King, the marked absence of Answers on the part of the Magistracy and freeholders of Durham, may POSSIBLY be partly due to a fact, not very generally known, that up to 1672-3, neither the County or City were represented at all in Parliament. Drafts of Acts are extant in the House of Lords touching their representation in Parliament as early as 1614, and 1640 [Hist. MS. Com.], and attempts have been made by some of the County landowners shortly after the Restoration, and on subsequent occasions, to procure Parliamentary Representation, but the paramount interest of the Bishops, whose privileges were menaced thereby, and Palatine

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\* The Hon. Nathaniel Crew, D.D. and Dean of Chichester, (afterwards 3rd Baron Crew of Stene), was 5th son of John, 1st Lord Crew of Stene, and became Bishop of Oxford in 1671. He was translated to the See of Durham in 1674; and died in 1722. His father, in consideration of his services in the Royal cause, had been raised to the Peerage after the Restoration, as Baron Crew of Stene, co. Northampton. At the decease of the Bishop, s.p.m., the title became extinct.

authority interfered with, was uniformly sufficient to prevent their being carried into effect.\*

Of the three Answers given presently, two are those of the most zealous promoters of this projected Reform, namely Cuthbert Carre, and Henry Lambton.<sup>t</sup>

The position of the Lord Lieutenant of Durham, as a PROTESTANT BISHOP, carrying out King James's Catholic measures is worthy of note, but quite in unison with his antecedents. In 1662 he baptized the first child of the Duke of York, and in 1673, being then Bishop of Oxford, performed the marriage ceremony of the Duke, his patron, with Mary of Modena.<sup>†</sup> Surtees observes:—"He ever after shewed such a thorough compliance with all the measures and wishes of the Duke and his party, that even his father, old Lord Crewe, who had some Puritan blood in his veins, was so much ashamed and offended at his son's conduct, that he never sat in the House of Lords after his son entered it." [Hist. Dur. i, cxvi]. In 1679 we find

\* An Act of Parliament was at length passed in 25 Charles II. (1672-3), to enable the County Palatine of Durham to send Knights and Burgesses to Parliament, and those first chosen after its passing were, for Durham County:—John Tempest, Esq., of Old Durham, and Thomas Vane, Esq., of Raby Castle; and for the City of Durham:—Sir Ralph Cole, Bart., and John Parkhurst, Esq. The election of these county members did not take place until 21st June, 1675; those for the city until 27th March, 1678. This was the Parliament known as the "Long" Parliament, summoned to meet 8th May, 1661, and dissolved 24th January, 1672-3. [Parliaments of England; House of Commons Returns].

<sup>†</sup> Their names are mentioned in the Introduction (p. xxviii) of the Surtees Society's 55 Vol. of Publications, "Bishop Cosin's Correspondence," with those of Sir Nicholas Cole, Bart., John Tempest, Anthony Byerly, Ralph Davison, Lodowic Hall, Robert Clavering, John Morland, and Christopher Sanderson, Esqrs.

<sup>‡</sup> A letter addressed to Sir Joseph Williamson whilst attending the Congress at Cologne, dated 21st November, 1673, alludes to this fact:—"This day her Royall Highness [Mary of Modena] is expected at Dover, where the Duke has been ever since Wednesday last, having parted from hence that morning early. It is possible they may lye together this night at Canterbury, where the Bishop of Oxford is to marry them. It has been reported here that his Royal Highness will then receive the holy sacrament from the hands of the said bishop, but it is feared it is only a report." A letter dated three days after, is to the same effect; Whitehall, 24 Nov. 1673:—"On Friday last, in the afternoone, her Royal Highness arrived at Dover from Calais, and about five in the evening the Bishop of Oxford declared the marriage in the same forme as was practised by the Archbishop of Canterbury at the marriage of his Majesty. Their Royal Highnesses staid there till this morning, and intend to bee in town upon Wednesday next." [Letters to Sir J. Williamson; Camd. Soc.]

him entertaining the Duke and Duchess of York at Durham. On King James's accession he was sworn a Privy Counsellor, and took a prominent part at his Coronation ; and in December 1686 he was made Dean of the Chapel Royal. Afterwards he was one of those Bishops who caused the King's "Declaration of Liberty of Conscience" to be read in their Dioceses,\* and so thoroughly did he fall in with the King's designs, that he not only suspended thirty of his clergy for refusing to read it, but included his own chaplain in the number. The other three Bishops who conformed to this proceeding, were Rochester (Clerk of the Closet), Lincoln, and Hereford ; [Rapin ; Echard iii, 875]. He was further one of the Ecclesiastical Commissioners appointed by the King, who had revived the inquisitorial "Court of High Commission," abolished, together with the Star Chamber, temp. Charles I. These Commissioners, who had unlimited authority over the Church of England, and whose powers were otherwise unrestricted, consisted of the said Bishop of Durham ; Sprat, Bishop of Rochester ; the Bishop of Chester ; the Earls of Rochester and Sunderland ; Chancellor Jeffreys ; and the Lord Chief Justice Herbert. It was before this Commission that Compton, Bishop of London, was brought in 1686, and by which he was sentenced to be suspended,† and before which the Vice-President and Fellows of Magdalen College were cited to appear. As a final instance of his devotion to James, it is affirmed by Dr. Freeman (Dean of Peterborough), in a letter to Lord Hatton (July 7th, 1687), that "last Sunday," when the Pope's Nuncio made his public entrance into Windsor, "the L<sup>d</sup> B<sup>r</sup> of Durham's coach was in y<sup>e</sup> traine." [Hatton Correspondence]. It was for declining to assist at this ceremony that

\* The following letter testifies as to the part he took :—1687, Feb. from Edward Le Strange to Sir Nicholas Le Strange—"I was with my Lord Bishop yesterday, who has not received any orders from the Archbishop to exhort his clergy to recommend the repealing of the Test and Penal Laws, though such is much talked of, and we have an account that the zealous Bishop of Durham is gone into his diocese, to promote the good work." [Hist. MSS. Com. iii, 273].

† See foot-note, p. 200.

the King dismissed the Duke of Somerset, and took from him the command of his regiment.\* After the King's abdication he was of course removed from the Lieutenancy of the county, and being excepted by name out of the general pardon granted by William and Mary in 1690, took refuge in Holland,† not, however, before he had attempted to make some compromise with the Government.

These particulars sufficiently show that Durham was entrusted at the time of which we are treating to a man of no very great scruple as regards the Protestant faith, and quite ready to carry out King James's most extreme views ; nevertheless it must also be admitted that he applied his large fortune to good and charitable purposes, and has been handed down as the "municipal and benevolent Bishop," whilst his re-appointment, in the reign of Queen Anne, to his former Lieutenancy of Durham, is a proof that he had in the meantime successfully palliated his Roman Catholic proclivities to the satisfaction of his Royal master's daughter.

### Questions propounded by the King.

1. If in case he shall be chosen Knight of y<sup>e</sup> Shire, or Burgess of a Towne, when the King shall thinke fitt to call a Parliam<sup>t</sup>, whether he will bee for taking off the Penall Laws and Tests;

\* Charles, 6th Duke of Somerset.

† Tindal observes [Hist. of Engl. iii, 112, 132] :—"Before the prorogation of Parliament [Oct<sup>r</sup> 1690], Dr. Crew, Bishop of Durham, contrary to the expectation of most people, took the oaths, and subscribed the Declaration appointed by law. He had been one of the Ecclesiastical Commissioners, and upon King James's abdication had absconded himself for some time. He had endeavoured to get beyond sea, and offered to compound by resigning his Bishoprick, but at last he was prevailed on to merit a pardon for what he had done by submitting to the Government." This does not appear to have succeeded, for he was excepted out of the Indemnity passed a few months later.

2. Whether he will assist & contribute to y<sup>e</sup> Election of such members, as shall be for taking off the Penal Laws & Test;
  3. Whether he will support the King's Declaration for Liberty of Conscience, by liveing friendly with those of all perswasions, as subjects of the same Prince, and good Christians ought to doe.
- 

### Answers.

[*Autograph Answer thereto of Robert Eden, Esq., of West Auckland.*]\*

1st. If I shalbe chosen to serve in Parliam<sup>t</sup>, when his Maj<sup>ts</sup> thinks fitt to call one, I shall give my vote according to y<sup>e</sup> reasons of y<sup>e</sup> Debate in such matters as shall there be treated of;

2d. If I concern myself in electing members to serve in Parliam<sup>t</sup>, I will vote for those, who I hope will consent to such matters, as will be for y<sup>e</sup> Hon<sup>r</sup> and Safety of his Ma'ties Royall Person, & y<sup>e</sup> good & welfare of y<sup>e</sup> Governm<sup>t</sup>, both in Church & State.

3. I hold my self obliged to live friendly with all men, tho' of a different perswation, as becomes subjects of y<sup>e</sup> same Prince, and as good Christians ought to doe.

(Signed), ROBT: EDEN.

March y<sup>e</sup> 9<sup>th</sup>, 1687-8.

[*Original Answer of Cuthbert Carre of St. Helen's, Auckland.*]†

March 9<sup>th</sup> 1687,

1st. In case I be chosen a member of the next ensuing parliam<sup>t</sup>, I declare (upon hearing the full debates in the house about taking off, or continuing the penall lawes & the Tests), that I will vote in that case,

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\* Robert Eden, Esq., of West Auckland, and Windlestone; was M.P. for county of Durham in 1678, in 1689-90, and 1698, and was created a Baronet in 1672. He married the daughter and heir of John Lambton of the City of Durham; and ob. 1720.

† This gentleman is identified by correspondence which passed during the time Bishop Cosin held the Episcopate of Durham. He was remarkable as a zealous

what I conceive may tend most to the peace and happiness of the kingdome, according to the best of my judgement;

2. In case I doe vote for the election of any members of the next ensuing Parliam<sup>t</sup>, I declare I will vote for such persons (as I conceive in my conscience) are faithfull & loyall subjects, & true members of the protestant church of England;

3. I declare freely that I will leave (*sic*) peaceably and friendly w<sup>th</sup> all my fellow subjects, of whatsoever different perswasions they may be, in point of Religion, & I believe it is my duty to doe so, for I conceive this peaceable kindenesse towards all men is The peace of God w<sup>ch</sup> passeth all understanding.

(Signed),

CUTHB: CARRE.

*[Original Answer of Henry Lambton of Lambton, Esq.]*

*(The three Questions as before.)*

As to the Penall Lawes, I can submitt to the takeing them away, most of my relations haveing beene great sufferers by them, both by personall imprisonments, and in there Estates.

As to the Tests, I cannot submitt to the takeing them away, but I shall continue in my Loyalty to my Sovereigne as long as I live.

As to the Election of any member of Parliam<sup>t</sup>, I shall neither be present at it, or concerne myselfe in it.

As to liveing freindly according to his Majesties Declaration for liberty of conscience, I shall behave my selfe as becomes a loyall subject of the same Prince, and as a good Christian ought to doe.

(Signed),

HEN: LAMBTON.\*

promoter of the endeavour to obtain Parliamentary Representation for the county, a privilege, save once in Cromwell's time, from which it had been hitherto excluded, chiefly by the influence of the Bishops, as opposed to their Palatine authority.

His name occurs in various parts of Bishop Cosin's "Correspondence," published by the Surtees Society [Vol. 55]. The measure which he thus warmly advocated, was not passed until after the above Bishop's death in 1671-2, and Surtees [Hist. of Durham] has this entry respecting it:—"Within two years after his [Bishop Cosin's] death, and during the vacancy of the See, a Bill was passed apparently without serious opposition from any quarter, under which the County and City of Durham have ever more continued to return knights and citizens to Parliament." From this it is evident that this reformatory act was about coeval with, or just prior to, the translation to the See of Durham of Nathaniel, (afterwards Lord Crewe), Bishop of Oxford, the Lord Lieutenant and propounder of James II. Questions now under consideration.

\* There is every reason to identify this justice and deputy-lieutenant with Henry Lambton, the eldest son of Sir William Lambton of Lambton, who fell at Marston

Wee the Maio<sup>r</sup>, Aldermen, and Comon Councill, of this City of Durham doe promise & engage to give our own votes, & to use all our interest with others, for such persons onely, as shall be recommended by the Lord Bpp of Durham, to serve as Burgesses for this City in the next ensuing Parliam<sup>t</sup>, when his Majestie shall be pleased to call it. In witnesse whereof we have hereto sett our hands this Thirteenth day of March, Anno D<sup>r</sup>ni 1687.

## THE COMON COUNCIL.

Wm: Paxton,  
 Rob: Robson,  
 Wm: Maichall,  
 Hen: Wrangham,  
 John Walton,  
 Wm: Bird,  
 John Stout,  
 Rich: Snowball,  
 Rob: Brantingham,  
 John Hickson,  
 John Wilson,  
 Rob: Webster,  
 Rob: Meaburn,  
 John Rowell,  
 Wm: Richardson,  
 John Jackson,  
 Rob: Lamb,  
 Jo: Simpson,  
 Wm: Kirtley,  
 Rob: Johnson,  
 Thomas Reed,  
 Rob: Softley.

Robert Delavale, Maio<sup>r</sup>,\*  
 John Jeffreyson, Record<sup>r</sup>,†  
 Charles Mountagu,  
 John Duck,‡  
 John Hall,§  
 John Hutchinson,  
 George Shires,||  
 Henry Wanlesse,  
 Cuth: Hutchinson,  
 Wheat' Dobson,  
 John Gordon.

(Signed),

This is a true copy,

N: DURESME.

[Rawl. MS. 139 A. ff. 266 seq.]

Moor in the ranks of the Royalists, and direct ancestor of the present Earl of Durham. His son, William, represented the county of Durham in several Parliaments from 1684. Mr. Lambton, who died in 1693, had been a conspicuous promoter of the endeavour to obtain Parliamentary representation for the county, from the time the question was revived after the Restoration, up to 1672-3, when the measure was eventually carried.

\* Robert Delaval, was son of Thomas Delaval of Hetton-le-Hole, Esq., younger son of Sir Ralph Delaval of Seaton Delaval, in Northumberland, Knt. (Surtees Hist. Dur.)

† John Jeffreyson (or Jefferson), was Solicitor-General to the Bishop of Durham, Recorder of Durham, and Serjeant-at-Law. In 1691 he was knighted on appointment as a Justice in Ireland. He married daughter of James Cole of Gateshead, and niece to Sir Nicholas Cole, Bart. [Surtees, Hist. Durham, iv, 156.]

‡ John Duck, alderman, had been Mayor of Durham in 1680; originally a butcher; afterwards Sir John Duck, of Haswell-on-the-Hill; created a Baronet in 1687-8, ob. s.p. 1691.

§ Alderman John Hall. In Bishop Cosin's Household Book of Expenses, is this entry:—"Payd Alderman John Hall a bill for purple coloured carsey for coates for my Lady Gerrard's (*the Bishop's daughter*) coachman and cartman 1l. 6s. 1od." [Sur. Soc. 55, p. 350.]

|| George Shires, alderman; had been Mayor of Durham in 1675.

## Northumberland.



# **Penal Laws and Test Act;**

**PROPOSED REPEAL OF THE SAME IN 1687-8;**

*In respect of the Deputy Lieutenants and Magistrates of Northumberland.*

[From the Original Documents in the Bodleian Library.]

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THE Lord Lieutenant of Northumberland, at the period now under notice, was Henry Cavendish, 2nd and last Duke of Newcastle of that creation. He was the son of the well-known Cavalier and Royalist Commander, Sir William Cavendish of Welbeck Abbey, successively Earl, Marquis, and Duke of Newcastle, who died in 1676. No class of officials seems to have been less trusted continuously, with some few exceptions, of which the Duke in question was one, than King James's Lieutenants of Counties. Their continual supersession and removal up to the time of his abdication was unremitting. Indeed not three weeks before the King decided upon this step, he had removed the Lords Lieutenant both from Somersetshire and Hants, and meditated the same course with regard to Wiltshire.\* The Duke, however, continued to exercise his functions to the last.

Northumberland, among the Northern counties of England, was one in which the ancient faith had still the most hold, and

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\* See Lord Preston's despatch to the Duke of Beaufort, p. 17.

the number of those who acquiesced in the King's measures judging from their letters, was large in comparison with some other counties ; still the absence of answers from many of the acting justices, who failed to respond to the Lord Lieutenant's summons, suggests a belief that they were influenced by motives of hostility, so that the existing Answers form no very accurate criterion of the county's sentiments,\* as to the abrogation of the Penal Laws.

To the Duke, the Lord Lieutenant of Northumberland, the charge of a second county had been allotted, namely that of Nottingham, and he acted for both at the period of these Questions ; but subsequently, and before the end of the same year, he was appointed also Lord Lieutenant for the whole of Yorkshire, and had thus superseded the Catholic Lieutenants in the three Ridings of that county.† Although a Protestant, he was zealous in carrying out the King's last measures in that Northern part of England, on which it was generally supposed the landing of the Prince of Orange would have occurred, and where, in fact, the whole country was in arms after that event ; and having always been one of the most steadfast supporters of the Stuart

\* We miss the names of fully fifty or sixty justices of the peace and deputy lieutenants, acting for the county at this time, besides many others of well known rank and consideration. The absence, however, of Ford, Lord Grey of Werke, who was associated with Monmouth and concerned in the Rye House Plot, designated at the time, as a "Presbyterian fanatic Plot," is explainable, and significant of the fact, one of the ends of that conspiracy, which was admitted on subsequent investigation, being, "to keep out Popery." The same Lord Grey was raised to the Earldom of Tankerville by William III.

† The following despatch written ten days only before the King abdicated, shows that the Duke held these several Lieutenancies up to the time of that event :—

1688, Dec. 1st. Lord Preston to the Duke of Newcastle—

.... "He [The King] doth very well approve of your Grace's actings upon the occasion, knowing that it was impossible for you to dissipate those numbers who had assembled themselves in your lieutenancies, without more forces than you could then draw together. I am further to acquaint your grace in relation to the proposal which you make of constituting the Duke of Norfolk lord lieutenant of all the ridings of Yorkshire in your place, that his Majesty will by no means hear of it, and that he hath more confidence in your grace than to believe that at this time you will quit his service. [Hist. MSS. Com. vii; Papers of Sir Frederick Graham of Netherby.]

Dynasty,\* he displayed the same activity in the Royal cause up to the time of James's abdication, for like the Duke of Beaufort, another staunch adherent of that King, he opposed the settlement of the Crown on the Prince and Princess of Orange when the Throne was declared vacant, and refused to take the statutory oaths to the Government. His death occurred in 1691.

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### Justices of Peace and Deputy Lieutenants of Northumberland.

*[The following entries are in different hands.]*

Northumbr'

|                                         |           |
|-----------------------------------------|-----------|
| + Edw'us Widdrington, d. Lt. (sic)† (a) |           |
| + Rad'us Widdrington, (a)               |           |
| + Edw'us Villers, armig'                |           |
| + Joh'es Fenwick, (sic)                 | d. Lt (a) |
| + Thomas Haggerston,‡                   | d. Lt     |
| + Franc'us Radcliffe,                   | d. Lt (a) |
| + Nich'us Sherburne,                    | d. Lt (a) |
|                                         | Bar:      |

(a) See *postea*.

\* This is quite shown by the following despatch a few days after the landing of William of Orange, 1688, Nov. 13th.—Lord Preston to the Duke of Newcastle . . . “I have obeyed your grace's commands in acquainting his Majesty with your grace's humble suit to him that you may be employed where there is action. He hath commanded me to assure you that he confideth in the fidelity of no person more than your graces, and that tho' he could be extremely glad to have your grace with him in this expedition, yet your presence is so absolutely necessary to his service in those countries where you are, that he must deny to himself the satisfaction of having you to accompany him.” [Hist. MS. Com. vii, 348; Sir F. Graham's Papers.]

† Erased in the Original.

‡ Sir Thomas Haggerston of Haggerston, 2nd Baronet, was Governor of Berwick Castle in 1687. His son William, who died *in vita patris*, married one of the Constables of Everingham, by which match this estate ultimately devolved upon his great-grandson, Mr. Haggerston Constable, who by his marriage with Lady Winifred Maxwell, was ancestor of the present Lord Herries. A daughter of this baronet was the 9th Abbess of Pontoise in France.

|                                                |           |
|------------------------------------------------|-----------|
| Cuthbertus Heron, (sic)                        | (a)       |
| Thomas Loraine, (sic)                          | (a)       |
| o Rob'tus Eden,                                | Bar:      |
| o Will'us Middleton, (sic)                     |           |
| o Edw'us Blackett,* (sic)                      |           |
| + Fran'as Radcliffe Esq <sup>r</sup> , (sic)   | d. Lt (a) |
| o Rob'tus ffenwick de Bywell,†                 |           |
| + Ric'us Neile de Plessy,‡                     |           |
| + Edw'us Ratcliff,<§ (sic)                     | (a)       |
| + Tho: Ratcliff, (sic)                         | d. Lt (a) |
| + Joh'es Errington de Beaufront,               |           |
| + Rad'us Clavering, (sic)                      | d. Lt (a) |
| + Will'us Strother de Newton,                  | d. Lt     |
| + Sr Wm. Croagh [Creagh], Kn <sup>t</sup> .    |           |
| + Carolus Selby,***                            |           |
| + Edward Widdrington,                          | (a)       |
| + Nich'us Thornton,                            |           |
| + Tho: Ridell de Swinborne Castle, d. Lt (a)   |           |
| + Rad'us Widdrington de Cheesburne Grange, (a) |           |
| + Jacobus Howard,                              |           |
| + Edw'us Horsley Widdrington,                  | (a)       |
| + Joh'es Salkeld.††                            |           |

(a) See *postea*.

\* Sir Edward Blackett was eldest son of Sir William Blackett, 1st Baronet of Newcastle-on-Tyne, and ancestor of the present Sir Edward Blackett of Matfen. Sat for the county of Northumberland in 1698.

† Apparently Sir Robert Fenwick, Kn<sup>t</sup>. of Bywell.

‡ Richard Neile of Plessey Hall, in Northumberland, originally an Attorney-at-Law, appears by the Quarter Sessions Rolls at this time to have been one of the acting Justices of the county. He was son of Sir Richard Neile, Kn<sup>t</sup>., and grandson of Richard Neile, Archbishop of York. In 1655 he was Under-Sheriff of the county of Durham, and in 1687-8 was Sheriff of the county of Northumberland. He would appear to have been Knighted in 1688, and ob. 1692. [Cf. Surtees Hist. Durham, i. lxxxix.]

§ Was second son of Sir Francis Radciyffe of Dilston, first Earl of Derwentwater.

|| John Errington of Beaufront.

\*\* Charles Selby of Biddlestone, county Northumberland, was son of Sir William Selby Kn<sup>t</sup>. and Anne daughter of Sir Thomas Haggerston, Bart.

† John Salkeld of Rock.

|                                 |           |
|---------------------------------|-----------|
| O Isaac Basire,* (sic)          |           |
| O Tho: Collingwood,†            |           |
| O Joh'es Shaftoe,;              |           |
| + Rad'us Millbourne de Cherton, | (a)       |
| + Will'us Ogle de Cawsey,       | d. Lt (a) |
| + Edw'us Charlton de Hesylside, | (a)       |
| + Edw'us Craister de Craister,§ |           |
| O Henr' Holmes, (sic)           |           |
| Rob'tus Jennison, (sic)         | (a)       |
| Henr' Lambton, (sic)            | (a)       |
| + Edw'us Charlton,              |           |
| + Will'us Errington,            |           |
| + Will'us Jennison,             |           |
| O Henr' Jennison,**             |           |
| Will'us Orde de Beall,†† (sic)  |           |
| + Henr' Ogle,                   | (a)       |
| + Edm'us Maine, (sic)           | d. Lt     |
| + Rad'us Williamson,            |           |
| O + Rad'us Bates de Hollywell,  |           |
| O Rob'tus Bewick,‡‡             |           |
| + Tho: fforrester,              | d. Lt     |
| Tho: Heseltine Junr,§§ (sic)    |           |
| Ph'us Bickerstaffe,    (sic)    |           |

(a) See *postea*.

\* Isaac Basire or Basier, was Barrister-at-Law, and son of a Prebendary of Durham of the same name and Archdeacon of Northumberland. According to Surtees [i, cxiv] he was the fourth husband of Bishop Cosin's daughter.

† Thomas Collingwood was either of Eslington or of Branton, but probably son of David Collingwood of the latter place, who was M.P. for Morpeth.

‡ Was doubtless son of Sir Robert Shafto of Benwell, Knt.

§ Edw. Craster of Craster.

William Jenison was Town Clerk of Newcastle-on-Tyne, and 3rd son of Sir Ralph Jenison of Elswick. According to the Visitation of 1666, he was aged 16 years 22nd of August in that year.

\*\* Henry Jenison was brother to the above William, and 2nd son of Sir Ralph Jenison.

†† William Orde of Beal-super-Montem, near Berwick-on-Tweed, occurs as a magistrate in the Quarter Sessions Rolls of that date.

‡‡ Robert Bewick was of Close House.

§§ We assume this magistrate to be the son of Thomas Heseltine, who gives his answer in the East Riding of Yorkshire (p. 68.)

|| Philip Bickerstaffe of Chirton, represented Berwick-on-Tweed in 1685 and 1688.

O *Patricius Crou,*  
*Jacobus Wallis de Coupland, armig'*  
*John Thurlwall,*  
*John Baron.*

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A List of proper persons to be Deputy Lieutenn<sup>ts</sup> for y<sup>e</sup> County of Northumberland.

|                                         |                     |
|-----------------------------------------|---------------------|
| Edward (sic) [Francis] Lord Ratclyffe,* |                     |
| William Lord Widdrington,†              |                     |
| francis Ratclyffe,‡                     | } Esqrs.            |
| Thomas Ratclyffe,‡                      |                     |
| Edward Widdrington,§                    |                     |
| S <sup>r</sup> John Swinburne,          | Barr <sup>t</sup> . |
| S <sup>r</sup> Nicholas Shirburne,**    | Barr <sup>t</sup> . |

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\* Sir Francis Radcliffe of Derwentwater and Dilston, succeeded his father (Sir Edward) as third Baronet in 1663. He was created in 1688 by James II, Baron Tyndale, Viscount Radclyffe and Langley, and Earl of Derwentwater. He married daughter and heir of Sir William Fenwick of Meldon, and his grandson, the 3rd Earl of Derwentwater, was beheaded in 1716, for the part he had taken in the rebellion of 1715.

† William, Lord Widdrington (above named), was the 3rd Baron, and married daughter of Charles, 5th Viscount Fairfax, and ob. 1695. His sister Elizabeth was the Lady Abbess of the Benedictine Convent of Pontoise near Paris. His son (whose 2nd wife was daughter of Lord Preston), was concerned in the rising of 1715 for placing the Chevalier St. George upon the Throne, for which he was tried and convicted, but afterwards pardoned.

‡ Francis and Thomas Radclyffe were both sons of Lord Radclyffe. The first succeeded as second Earl of Derwentwater.

§ Edward Widdrington, here named, was probably of Felton, who married daughter of Caryl, Viscount Molyneux; or possibly his father Edward may be meant, (second son of the first Lord Widdrington), who fell at the Battle of the Boyne.

|| Sir John Swinburne of Capheaton, created a Baronet in 1660.

\*\* Sir Nicholas Sherburne of Stonyhurst, county Lancaster, was created a Baronet in 1685. His wife was the daughter and heir of Sir Edward Charlton of Hesleyside in Northumberland, and his daughter married Thomas, 8th Duke of Norfolk. His residence at Stonyhurst became in the next century the well-known Catholic College.

Wm. fforster,  
Thomas fforster,\*  
Thomas Riddell,†  
Ralph Claveringe,:  
Edmund Mayne,  
} Esqrs.

Newcastle upon Tyne hath allwayes had five Deputy Liuetenn<sup>ts</sup>  
where is but one att this time, to make up which number—

There is alsoe ffoure Companies of ffreemen of the Militia comanded by—

Nicholas Cole Esq<sup>r</sup>,  
S<sup>r</sup> Nathaniel Johnson, \*\*  
S<sup>r</sup> Ralph Carr, ††  
Rob<sup>t</sup> Jennyson Esq<sup>r</sup>.      The th

Last, Lieu<sup>ts</sup> ffrom Newcastle, & if theire places were supplyed by  
Ralph Widdrington,  
Edward Widdrington,  
Ralph Brandling, } Esqrs,

they might have an Influence over y<sup>e</sup> said Companies to serve his Ma<sup>y</sup>.

(Endorsed),

\* Probably Thomas Foster of Etherston. Of this name was Sir William Foster of Bamburgh Castle, Knt., whose son was apparently the above William Foster (of Bambrough) M.P. for the county of Northumberland in 1688-9 - He opposed in Parliament the transfer of the Crown to the Prince of Orange.

<sup>†</sup> Thomas Riddell of Swinburne Castle, was one of the Roman Catholic Justices at that time, and his descendant is the present Thomas Riddell of Felton Park and Swinburne. In the preceding generation was Thomas Riddell of Fenham.

<sup>1</sup> Ralph Clavering of Callaley Castle, another Catholic Magistrate in 1687, was the son of Sir John Clavering, and married daughter of W. Middleton of Stockeld.

<sup>3</sup> Sir William Creagh (or Creach) of Newcastle-on-Tyne, was knighted at Whitehall in January 1684, one of the last knights of Charles II. reign. (Le Neve; Harl. MS. 5802, f. 10.)

## Ralph Widdrington of Cheeseburn Grange.

<sup>\*\*</sup> Sir Nathaniel Johnson appears to have been knighted in 1680. He sat first for Newcastle-on-Tyne on the death of Sir William Blackett in that year; again in 1684-5. He was Mayor of Newcastle in 1681, and at the trial of the Swedish Count Königsmark in 1682, he was his "friend" and interpreter, and went bail for him. [Hatton Corresp. ii. 15.]

† Sir Ralph Carr, Knt., of Coken, co. Durham; was M.P. for Newcastle-on-Tyne in 1679-80, and 1688-9. According to Le Neve he was knighted in 1676. His daughter married Sir Mark Milbanke of Halsnaby, second baronet.

**Ralph Brandling of Alnwick Abbey.**

## Deputy Liuetenants and Justices for Northumberland.

(In another hand.)

to bee added

|                                               |                                             |
|-----------------------------------------------|---------------------------------------------|
| <i>Edw L<sup>d</sup> Ratcliffe,</i>           | d. Lt, ( <i>sic</i> ) (b)                   |
| <i>W<sup>m</sup> L<sup>d</sup> Widdington</i> | d. Lt, ( <i>sic</i> ) (b)                   |
| <i>S<sup>r</sup> John Swinburne</i>           | Bar <sup>t</sup> , d. Lt ( <i>sic</i> ) (b) |
| <i>John Thurwall, (<i>sic</i>)</i>            |                                             |
| <i>John Baron, (<i>sic</i>)</i>               |                                             |
| <i>S<sup>r</sup> W<sup>m</sup> Greagh</i>     | K <sup>n<sub>t</sub></sup> . ( <i>sic</i> ) |

(b) Erased in the original.

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**Answers.****AUTOGRAPH LETTERS** in reply to the King's Questions.*[Answer of Ralph Milborne of Chirton.]*

My Lord Duke,

May it please y<sup>r</sup> Grace. Since the 16<sup>th</sup> instant I have bin sick and have not stirdd abroad to discourse w<sup>t</sup> my brethren the Justices of the County, and that made me thus long in retoruening (*sic*) my answeres to the questions your grace transmitted to us from the Earle of Sunderland. My answeres is that disobedience to our Sup'iours is the oldest sinn in the world, and the foundac'on of all other wickedness, therefore in mee the King shall find none. And if I am chosen Parliam<sup>t</sup> mann I shalbe for takeing of the penall lawes and tests, (to avoid swearing misteryes). I will alsoe assist and contribute to the elec'on of such as shalbe for takeing them of, And in obedience to my Prince I will support the Kings Declarac'on for liberty of conscience. Your Grace may favoure me but in the liberty of one word more, and that is, that since I know the King to be a most Christian Prince, and my rightfull Lord, I cannot doe otherwise then humbly to obey all his services and

deliberated resoluc'ons, Although they were ag<sup>st</sup> my owne opinion. My Lord, I am

Yo<sup>r</sup> Grace's  
most humble Serv<sup>t</sup>,

RAL: MILBOURNE.

East Chirton in  
Northumb<sup>b</sup>, neare  
Newcastle upon Tyne;  
[Date torn] feeb 1687.  
(Addressed),

Ffor his Grace my Lord Duke  
of Newcastle at  
Welbeck, in Nottingham shire,  
To be left w<sup>th</sup> y<sup>e</sup> postm<sup>tr</sup> of Tuxford.\*

[Seal in Red wax—  
abstracted.]

[Answers of Ralph Clavering of Callaley, (Catholic); Sir Nicholas Shireburn of Stoneyhurst, co. Lancaster, Bart, (Catholic); and Charles Selby of Biddleston, (Catholic).]

Ffeb. 27 87.

May it please yo<sup>r</sup> Grace,

Wee this day, and not before, received y<sup>r</sup> Grace's Letter of the ninth Instant to the Justices of the Peace of this county by the Clarke of the Peace his Deputy, and a Copy of the Questions sent to yo<sup>r</sup> Grace from his Majestye for us to answer to, and to them wee humbly and heartily returne distinct answers here inclosed, as becomes good subjects and

Yo<sup>r</sup> Graces most dutifull  
and most obedient Servants,  
(Signed), NICH: SHIRBURNE,  
CHARLES SELBYE,  
RA: CLAVERING.

To the first Question wee answer:—

If any of us bee chosen a Parliam<sup>t</sup> man wee will bee for takeing of the penall Lawes and Test.

\* Owing to the Duke being at this time also Lord Lieutenant of Nottinghamshire, the entire Answers appear to have been transmitted to him at Welbeck in the form of letter.

To the second,

Wee will assist and contribute all wee can to the elec'on of such Members as shall bee for takeing of the penall Lawes and Test.

To the third,

Wee will support the King's Declaration for Liberty of Conscience by liveing friendly with those of all perswasions, as good subjects of the same Prince and good Christians ought to doe.

(Signed),

NICH: SHIRBURNE,  
CHARLES SELBYE,  
RA: CLAVERING.

(Endorsed),

+ SR NICHOLAS SHERBURNE  
+ CHARLES SELBY Esq  
+ RALPH CLAVERING

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[*Answers of Sir Ralph Delaval of Seaton Delaval, Bart; Sir Ralph Jennison of Elswick, Knt; Philip Bickerstaffe, and Henry Lambton, Esqrs.*]

May it please your Grace,

In obedience to his Ma<sup>ties</sup> and your Graces Comands, wee humbly and with great submission returne this our Answer unto the Questions proposed:—

1<sup>st</sup>. If wee or any of us should be chosen Knight of the Shire or Burgesse of a Towne when the King shall thinke fitt to call a Parliament, It shall be our cheifest care and study to doe nothing there contrary to our duty to God, or our Loyaltye to our Dread Soveraigne.

2<sup>dly</sup>. In all places where wee are any way Qualified, wee will modestly assist to the election of such Members as wee conceive will faithfully discharge their duty to God, and with their lives and fortunes will p'serve and maintaine their fidelitye to their Prince, and carefully and sedulously watch all opportunities to performe that great trust reposed in them, both for the good of the King and the whole Kingdome.

3<sup>dly</sup>. The principles of that Religion in which wee have been educated doe teach us a firme obedience to the King, and a Brotherly Love to our fellow subjects; soe that wee readily complye to live friendly with those

of all persuasions as subjects of the same Prince, and good Christians ought to doe.

(Signed), HEN: LAMPTON,\* RALPH DELAVAL,†  
RA: JENISON,: PHILL: BICKERSTAFFE,§

(Endorsed),

S<sup>R</sup> RALPH DELAVAL  
S<sup>R</sup> RALPH JENISON  
M<sup>R</sup> BICKERSTAFFE  
M<sup>R</sup> LAMPTON (*sic*)

[Answer of Sir John Fenwick of Wallington, Bart.]

London, Feb: 28.

May it please y<sup>r</sup> Grace,

I received y<sup>r</sup> Graces Letter w<sup>th</sup> the inclosed inclosed (sic) questions, to which I shall not neede to returne my answer, since it is of much less consequence to his Maj<sup>ts</sup> service to give y<sup>r</sup> Grace the trouble of it, then [than] y<sup>r</sup> Letter would have been to the county, which you were pleased to refuse me, in favour of Mr. Ogle and myselfe for Kn<sup>ts</sup> of the Shire. I suppose his Maj<sup>ts</sup> intention in sending these orders to y<sup>r</sup> Grace, was to know the minds of those gentlemen who live in the country, to whome he has not an opportunity to speake himselfe, and

\* Henry Lambton was Deputy Recorder of Newcastle-on-Tyne. He was one of those Protestant justices removed by James II. He was probably son of Henry Lambton of Lambton, co. Durham.

<sup>†</sup> Sir Ralph Delaval, Bart., of Seaton Delaval.

<sup>†</sup> Sir Ralph Jenison of Elswick, Northumberland, and Newcastle-upon-Tyne, was knighted in 1677. According to P. Le Neve he was a justice of the peace and deputy lieutenant, and "æt. 52 (years) and 11 months 22 Aug. 1666. He dyed on the 3<sup>d</sup> day of April 1701, aged 87 years and 6 months, bur. in St. Nicholas Church, Newcastle, under an ancient monument belonging to the Carrs, much defaced by the Scotts." [Harr. MS. 5801, f. 128.] His first wife was sister to Sir William Bowes of Streatham Castle, co. Durham.

Peter Le Neve, as Norroy King of Arms, adds a quaint corollary to this account:—  
"M<sup>d</sup>: Mr. Joseph Foster of Newcastle, Paynter, sends me word he made 2 Penons for him, which are hung up in St. Nicholas Church. M<sup>d</sup> *To have them pulled down.*"

§ Philip Bickerstaffe of Chirton, co. Northumberland, was M.P. for Berwick-on-Tweed in 1685. Although he opposed the transfer of the Crown to the Prince of Orange in 1688-9, he was re-elected for the next parliament of 1689-90, together with William Foster of Bambrough, who sat with him.

not of those who have the honour to be always nere his person. I shall therefore give y<sup>r</sup> Grace no further trouble, but subscribe myselfe

Y<sup>r</sup> Graces

moste obedient

humble Serv<sup>t</sup>

(Signed),                  I: FFENWICKE.\*

(Endorsed),

+ S<sup>r</sup> JOHN FENWICK.

[Answer of William Ogle of Cawsey Park, Esq.]

London, feb 21/87.

May itt please yo<sup>r</sup> Grace,

I had the honour of yo<sup>r</sup> Grace's Letter with y<sup>e</sup> inclosed Questions, and am inform'd that p'ticular answers are only expected from those y<sup>t</sup> are remote from y<sup>e</sup> King's eye and service. I thought itt my Duty not to trouble Yo<sup>r</sup> Grace with y<sup>e</sup> formall returne the 3 queries seems to require, ffor intending to stand for our County next Parliament, if chosen will discharge my duty to the King and itt, answerable to the principles I inherit from my Loyall suffering ffaither, and improved in mee by Yo<sup>r</sup> L<sup>dps</sup> favour and good instrucc'ons, which I make y<sup>e</sup> method of my duty to his Ma<sup>ties</sup> and yo<sup>r</sup> commands. I am with all duty

May itt please Yo<sup>r</sup> Grace

Yo<sup>r</sup> Graces most obedient

humble Serv<sup>t</sup>,

(Signed),                  WILLIAM OGLE.\*

(Endorsed),

+ Wm: OGLE.

\* Sir John Fenwick, 3d Baronet of Fenwick and Wallington, was M.P. for the co. of Northumberland in 1685, for which he had sat since 1676, on the death of his father, Sir William. Being concerned in a plot for the restoration of the House of Stuart in 1696, he was attainted and beheaded.

† William Ogle of Cawsey Park, was M.P. for the co. of Northumberland in 1685. He was descended from Sir William Ogle, second son of Ralph, third Lord Ogle, a title which fell into abeyance on the death of Henry Cavendish, second Duke of Newcastle, as tenth Baron Ogle. He was appointed by James II. captain in a Troop of Horse in 1685; and married daughter of Colonel Strother of Fowberry.

[*Answer of Colonel William Strother of Fowberry (Kirknewton).]*

Fowberry, March 3/87.

May it please Yo<sup>r</sup> Grace,

The 2<sup>d</sup> of this instant I received Yo<sup>r</sup> Graces Letter, to your Deputie Liu<sup>th</sup>: with the Inclosed from my Lord Sunderland; I doe willingly comply to his Maj<sup>ties</sup> desires, and to those three questions: I shall give my voate, and Interest for those in this county for our Knights for parliament men, who I hope his Maj<sup>tie</sup> hath approved of, as Sr John ffenwick, and Cap<sup>t</sup> Ogle, and likewise will support his Maj<sup>ties</sup> Declaration for Libertie of Conscience; I doe trust to what his Maj<sup>tie</sup> declared, that his Ma<sup>tie</sup> would defend us in our protestant Religion:

My Lord I am in all Humilitie

Yo<sup>r</sup>

Graces most humble

Servant,

(Signed),

WILL: STROTHER.

(Endorsed),

COLL WM STROTHER.

[*Answers of Thomas Riddell of Swinburne Castle, (Catholic); and Edward Charlton of Hesleyside, (Catholic).]*

May it please Yo<sup>r</sup> Grace,

Symondburne, 25 Feby 1687.

Wee being met here at a Privie Sessions, received Yo<sup>r</sup> Graces letter, with directions inclosed from my Lord Sunderland, and thought it our duty to returne yo<sup>r</sup> Grace with all speed our most humble acknowledgments for the hono<sup>r</sup> yo<sup>a</sup> have bene pleas'd to doe us, in communicating a businesse to us so much importing his Maj<sup>ties</sup> service, and the good of the kingdome. For our parts wee conceive that the Penall Statutes and Tests are soe derogateing to the hono<sup>r</sup> of the King and just priviledges of the subjects that they ought to be repeal'd, and shall use our utmost indeavours to elect such members fo<sup>r</sup> y<sup>e</sup> next Parliament, as will concurre w<sup>th</sup> his Maj<sup>ties</sup> gratiouys intentions, accordingly, And further as wee have hitherto made it our particular business, since wee have had the hono<sup>r</sup> to serve his Ma<sup>tie</sup> as Justices of Peace for this County, soe wee shall herafter with our utmost care, encourage all men, in the peacable and quiet enjoym<sup>t</sup> of that Liberty of Conscience, w<sup>th</sup> his Majes<sup>y</sup> by his Declaration hath gratiouys indulged to all his subjects, wee hope your Grace will represent us to his Ma<sup>tie</sup> as ready at all times,

and upon all occasions, to serve him with our lives, ffortunes, and interest without reserve, and begge yo<sup>r</sup> Grace will be pleased to believe us

May it please

Yo<sup>r</sup> Grace's most humble and

obedient Servants,

(Signed),

THO: RIDDELL,\*

EDW: CHARLTON.

(Addressed),

For

His grace The Duke of

Newcastle, att

Welbecke,

To be left with the Postmaster

att

Tuxford.

[Seal in red wax; perished]

*[Answer of Henry Ogle, of Causey.]*

Newcastle, Feb. 18<sup>th</sup>, 1687.

May it please yo<sup>r</sup> Grace,

Yo<sup>r</sup> Graces Letter together with the questions you had in command from his Ma<sup>tie</sup> to be proposed to the Deputie Lieu<sup>tnts</sup> and Justices of the Peace in the County of Northumberland, I had the Hono<sup>r</sup> to see on the 16<sup>th</sup> instant, and according to yo<sup>r</sup> Graces desire I doe humbly and freely offer and return my severall Answers to the said severall questions, which I read, and humbly conceive to be to this effect. First: If in case I should be chosen Knight of the shire, or Burgessse of a towne, when the King shall thinke fitt to call a Parliam<sup>t</sup>, whether I would be for takeing away the Penal Lawes and the Tests;

To which I humbly make this Answer:—

That I will be for takeing away the Penal Lawes and the Tests.

Secondly: Whether I would assist and contribute to the Election of such members as shall be for takeing away the Penal Lawes and the Tests;

To which I humbly make this Answer:—

\* Thomas Riddell of Swinburne Castle; ancestor of the Riddells of Cheesburn Grange in Northumberland.

That I will assist and contribute to the election of such members as shall be for takeing away the Penal Lawes and the Tests.

Thirdly: Whether I will support the King's Declaration for Liberty of Conscience by liveing friendly with those of all perswasions, as subjects of the same prince, and good Christians ought to doe;

To which I humbly make this Answere:

That I will support the Kings Declaration for Liberty of Conscience by liveing friendly with those of all perswasions, as subjects of the same Prince and good Christians ought to doe.

All which severall Answeres to the said severall Questions I doe humbly and frankly offer and transmitt to yo<sup>r</sup> Grace, without any manner of Doubt or Hesitation whatsoever.

That his most sacred Ma<sup>tis</sup> may be blest with a long and prosperous Reign to govern these Kingdoms with glory and happiness, and that all his subjects may obediently comply with these and all other his Ma<sup>tis</sup> desires, is the dayly Prayer of

May it please Yo<sup>r</sup> Grace,

Yo<sup>r</sup> Graces most obedient

and faithful Servant

(Signed),

HEN: OGLE.\*

(Endorsed),

MR. HEN: OGLE.

[*Answer of Sir Cuthbert Heron, of Chipchase Castle.*]

Chipchase, March the 4<sup>th</sup> 87.

May it please your Grace,

With all submission I see your Graces letter to y<sup>e</sup> Justices of Peace of Northumberland with some questions incloased y<sup>t</sup> y<sup>e</sup> Justices (*illegible*) to be asked, to which your Grace required speedie Answers, which I should not have been soe long in doeinge but want of health then. I did not see your general letter to the Justices of the Pease (*sic*)

\* The name of Henry Ogle occurs among the acting justices of Northumberland in the Quarter Sessions Rolls at this time. He was doubtless one of the Ogles of Cawsey Park, (or Kirkley.)

untill the 27 of febry last, soe in obedience to his Majesties commands and your Graces desire is thus:—I have noe thoughts of being a parliament man, soe to y<sup>e</sup> perticuler I can onely say with all duty and submission y<sup>t</sup> I ever judged some of y<sup>e</sup> penall Lawes severe, and if I were a parliament man, should heartily prefer a wish, as I doe now, a review were made of them, and when y<sup>e</sup> debate should be agreed in y<sup>e</sup> house ffor them or against them, I should most faithfully declare my judgment according to my conscience and reason. As to my elective part when occasion is, I shall endeavour such shall be chosen as I truely thinke are undoubted Loyall and faithfull to y<sup>e</sup> Crowne, of an unbiased judgment and understanding penall Lawes, and fitt ffor y<sup>e</sup> service of the country; y<sup>t</sup> as I ever admired moderation, soe I shall allwaies endeavour to live in peace and unity with all my ffellow subjects y<sup>t</sup> are truely faithfull to y<sup>e</sup> Crowne, and shall perswade others to doe y<sup>e</sup> like. I hope this will answer your Graces letter in all perticulars, and begging your further commands, and the honoure of your Graces —, in all obedience I begge leave to subscribe my selfe

My Lord

Your Graces

Most obedient servant to be commanded,

(Signed),

CUTHBERT HERON.\*

(Addressed),

These

For his Grace the Duke  
of Newcastle at Welbecke  
in Nottinghamshire, to be left  
with y<sup>e</sup> postmaister of  
Tuxford, present  
Tuxford.

[Answer of Edward Horsey Widdrington of Felton; and Nicholas Thornton of Witton, Esqrs.]

May it please Yo<sup>r</sup> Grace,

Yo<sup>r</sup> Letter with his Majesty' Questions never came to our hands through the negligence of our Clerk of the peace, and the contents of

\* Sir Cuthbert Heron of Chipchace Castle, co. Northumberland, was created a Baronet in 1662; married daughter of Sir Richard Graham of Netherby; extinct 1801.

both wee had but lately, otherwise should before this [*have*] acknowledged o<sup>r</sup> duty to our Prince and Respect to yo<sup>r</sup> Grace. As to the Questions we thinke them both consonable and reasonable, and what wee will willingly comply with all in ever (*sic*) particuler, who reste

Yo<sup>r</sup> Graces most

Obedient, faithfull, and  
Humble servants,

(Signed),            ED: HORSELEY: WIDDRINGTON;  
                          NICH: THORNTON.

(Addressed),

For

His Grace the Duke of Newcastle  
att Welbacke, recommended to y<sup>e</sup> Post-  
master of

Tuxford.

[Seal in red wax; abstracted].

[*Answer of Thomas Heseltine of*

*Jun<sup>r</sup> Esq.]*

To the First,

If I shall be chosen a member of Parliament, I conceive my self obliged to give my vote according to the reason of the debate in y<sup>e</sup> house, and not otherwise.

To the second,

If I doe concerne myself in the Elecc'on of any to serve as a member of Parliament, I shall give my vote for such as to the best of my judgment will serve the King and y<sup>e</sup> whole Kingdom faithfully and honestly.

To the Third,

I think my self obliged to live peacably with all men as becomes a good Christian and loyall subject.

Newcastle, the 10<sup>th</sup>

of March 1687

(Signed),

THO: HESELTINE.

[*Answer of Ralph Widdrington of Cheeseburn Grange.]*

March the 24 1687

May it please your Grace,

I presume to thinke that when Actts off Duty are demanded, a

due return ought properly to bee made as required, therefore in answer to your Graces Letter and the Inclosed off the 17th instant, I hope your Grace will give me creditt to his Maj<sup>t</sup>y that I have ever been ffaitfull to the Crowne, to the heighth off my power and skill, and also that none will beelive thatt any alterations or chainge in me, can make me les zealous then I have been, therefore I think the takeing away the Testt and penall Laws, incumbant upon all his Maj<sup>t</sup>s subiects, as a duty to God and the King, soe that my utmost Indevors shall not bee wanting in obeidence to his Maj<sup>t</sup>s commands, and to continue your Graces good opinion, as ever

Your Graces most obedient

humbell Sarvant,

(Signed), R: WIDDINGTON.

(Endorsed),

MR. R. WIDDINGTON.

[Answer of Sir Ralph Carr of Coken, Knt.]

London, April y<sup>e</sup> 5<sup>th</sup> 1688.

Right Hon<sup>ble</sup>

I received your Graces letter with the instructions from my Lord Sunderland. I have deliberated with my selfe concerning the Questions, the Answer I can return is this. I am not of the opinion for taking away the Penal Lawes and Test. In answering that in the negative I think it may be also an answer to the second Question. For I would not be thought to be so ill a man, or deserve such a censure as to be an accessory to, or vote for, any person to doe an act, which I cannot in my judgment approve of. For the third Question when I was in Authority, I used all the mildness imaginable to those, w<sup>ch</sup> differed from me in judgment, allways thinking that conscience neither ought nor could be forced. I intend allways to live in obedience to the established Lawes of y<sup>e</sup> Nation, and in Loyalty to my King. These, my Lord, are my thoughts, and I the rather deliver them so plainly and without ambiguity, because I think in a thing of this nature, every one ought to act in the Sun. I beg your Grace will excuse my freedom in this, and accept of me still to be,

Right Hon<sup>ble</sup>

Your Graces most humble Servant,

(Signed), RALPH CARR.

(Endorsed), SIR RALPH CARR.

(Addressed),  
 For His Grace The Duke of Newcastle  
 att Wellbeck,  
 Leave this at Tuxford;

(Seal a wafer, impressed  
 with coat of arms.)

[Answer of Robert Jenison, Esq., of Elswick.]

May it please Yo<sup>r</sup> Grace,

In obedience to his Majesties and your Graces commands, I humbly and with submission returne these my answers unto the Questions proposed, which I send here inclosed, and begg your Graces pardon for not sending them sooner. Soe with my most humble service to your Grace I am

Yo<sup>r</sup> Graces most humble

and obedient servant,

ROBERT JENISON.

London,

April 12

1688

(Enclosure)

- 1<sup>st</sup> If I should be chosen Knight of the Shire or Burgess of a Towne, when the King shall think fitt to call a Parliament, it shall be my utmost endeavour to performe my duty to God and his Majestie as becomes a good Christian and a Loyal subject.
- 2<sup>nd</sup> If I concerne myselfe in the Electing of any members for Parliament, I shall give my vote for such as I beleeve will faithfully and honestly discharge the greate trust reposed in them for the good of the King and the whole Kingdome.
- 3<sup>rd</sup> I readily comply to live friendly and peaceably with all my fellow subjects of all perswasions as a good Christian ought to doe.

(Signed),

ROBERT JENISON.\*

\* Robert Jenison of Elswick, was in descent from Ralph Jenison, Mayor of Newcastle-on-Tyne in 1597, and eldest son of Sir Ralph Jenison. He married daughter of Sir William Hustler of Acklam, in Yorkshire. His son Ralph, who died about 1705, was (as per Le Neve) "given to gaming and ruined the estate, being long confined a prisoner to his house, and left many thousands of pounds to pay what he lost at play." [Harl. MS. 5801, f. 128].

[*Answer of Sir Thomas Loraine, of Kirkharle, Bart.*]

April, y<sup>e</sup> 10 Anno 1688.

May it please y<sup>r</sup> Grace,

I receaved a Letter w<sup>ch</sup> came from y<sup>r</sup> Grace to y<sup>e</sup> Deputye Lieutennants and Justices of y<sup>e</sup> Peace for y<sup>e</sup> County of Northhumb'd, being commanded and in dutye bounde to give y<sup>r</sup> Grace an answeare touching takeing off y<sup>e</sup> penal Lawes and Test. Least I should be rude I shal breviate (*sic*) my opinion to y<sup>r</sup> Grace in it. I doe conceave that taking of y<sup>e</sup> Test and Penal Lawes, will be a deape præjudice to y<sup>e</sup> Church of England, wheareof I am a member, therefore cannot w<sup>th</sup> a safe conscience give my consent for takeing them away. I had given y<sup>r</sup> Grace an earlier accoumpt, but I have been longe afflicted w<sup>th</sup> y<sup>e</sup> goote, I humbly crave y<sup>r</sup> Graces pardon for my delay, w<sup>th</sup> admission to acknowledge my selfe

Y<sup>r</sup> Graces most faithfull

humble servant,

(Signed),                    THO: LORAIN.<sup>\*</sup>

(Addressed),

Ffor

His Grace Henry Duke of  
Newcastle

Thes humbly present,  
To be left with the Postmaster of  
Tuxford in  
Nottinghamshire.

[Rawl. MS. 139 A ff. 312—343].

[*Answer of Sir William Blackett of Wallington, Bart.*]

Newcastle, ij<sup>mo</sup> 9<sup>th</sup> 1687.

May it please y<sup>r</sup> Grace,

I am obliged to make a thankfull returne to y<sup>r</sup> Graces kind advice, as to the repealing of the Test and Penal Lawes, w<sup>ch</sup> I have heard so much contraverted, that as yet I am a little tender of fixing

\* Sir Thomas Loraine of Kirk-Harle, was created a Baronet by Charles II, and married sister of Sir John Fenwick of Wallington, attainted and beheaded temp. William III.; ancestor of the present Sir Lambton Loraine.

my resolutions, therefore I humbly beg a libertie of conscience so far, that my weak opinion in so weighty a concerne, may be suspended till I be well informed by the learned debates of the House of Commons, if I ever happen to come there, w<sup>ch</sup> in all probability my business will not allow me; however to the utmost of my conscience I shall ever be studious to facilitate his Majesties intentions in any station I shall be thought worthy of, and never Faile in that duty. I owe yr Grace [rest obliterated]

Y<sup>r</sup> Graces most faithfull  
and obliged servant,

WM: BLACKETT.\*

[Answer of Mr. Timothy Davison of Newcastle, Merchant.]

x Nov. 1687.

May it please yr Grace,

I doe humbly returne thankes to yr Lord<sup>pp</sup> ffor the good opinion you have of me; being a mean person and unworthy of that Honour. Ffor the putting in ffor Burgessse I never desighned it. Looking on my selfe utterly unftt ffor acting in soe high a station; ffor the Lower Sphere I am in, I alwayes have indeavoured to serve His Majesty ffaithfully and will still as an obedient subject. Ffor persons qualifed to serve in Parliament I looke on my selfe noe competent judge, and would be too great presumption to offer it. In all probability S<sup>r</sup> Will<sup>m</sup> Blackett stands the ffayrist, and can make the greatest interest in the Corporation if he pleases to appear, which he yet demurs to give a resolution in. The esteem I have in yr Graces favour [rest obliterated]

Y<sup>r</sup> Graces  
most humble and obedient  
Servant,  
TIM: DAVISON.†

[Answer of Nicholas Cole, of Newcastle, Esq.]

Newcastle, Nov. 4<sup>th</sup> 1687

May it please your Grace,

I received your Graces letter on the 29<sup>th</sup> of October, and retorne

\* Sir William Blackett of Wallington, county Northumberland, younger son of Sir William Blackett of Newcastle-on-Tyne, was created a Baronet in 1685. He was M.P. for Newcastle in several Parliaments.

† In the list of gentry of Northumberand temp. Charles II. Mr. Timothy Davison is returned as a merchant of Newcastle-on-Tyne (Hodgson).

you my humble thanks for the same. I doe assure your Grace there shall never bee anything a wanting in me, to contribute to the utmost of my power to serve his Majesty, and according to your Graces letter, att this time to use the ut moste of my endivores to promote the chusing of such members as shall every way answer his Majestys expectations in Puriament. But I have endivored since the receipt of yours to find out whom the moste of our Aldermen doe seame to incline to, but can understand nothing from them, they seldom acquainting me with any of their contrivances or intentions, since a new Majore was chosen w<sup>ch</sup> is Mr. John Squire. But I shall use all meanes to informe my selfe and give yr Grace an accompt as well as I can of the character of those they shall intend to choose, as soone as I shall understand who they are, Tho' indeed there are some who have formerly served this Corporation who I doubt will hardly answer the Kings expectations, I haveing sometimes hearde them speake somewhat perversely, against what might be expected from them by his Majesty, but S<sup>r</sup> I shall give you a farther accompt hereafter. I am, may it please yr Grace, with all obedience,

Your Graces moste humble

and moste faithfull servant,

NICH: COLE.

[Rawl. MS. A 139 ff. 111—115.]

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### Berwick-upon-Tweed.

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Persons proposed to be Justices of the Peace for the Town  
of Berwicke-upon-Tweed.

S<sup>r</sup> Thomas Haggerston Barr\*,  
Coll. Edmund Mayne,

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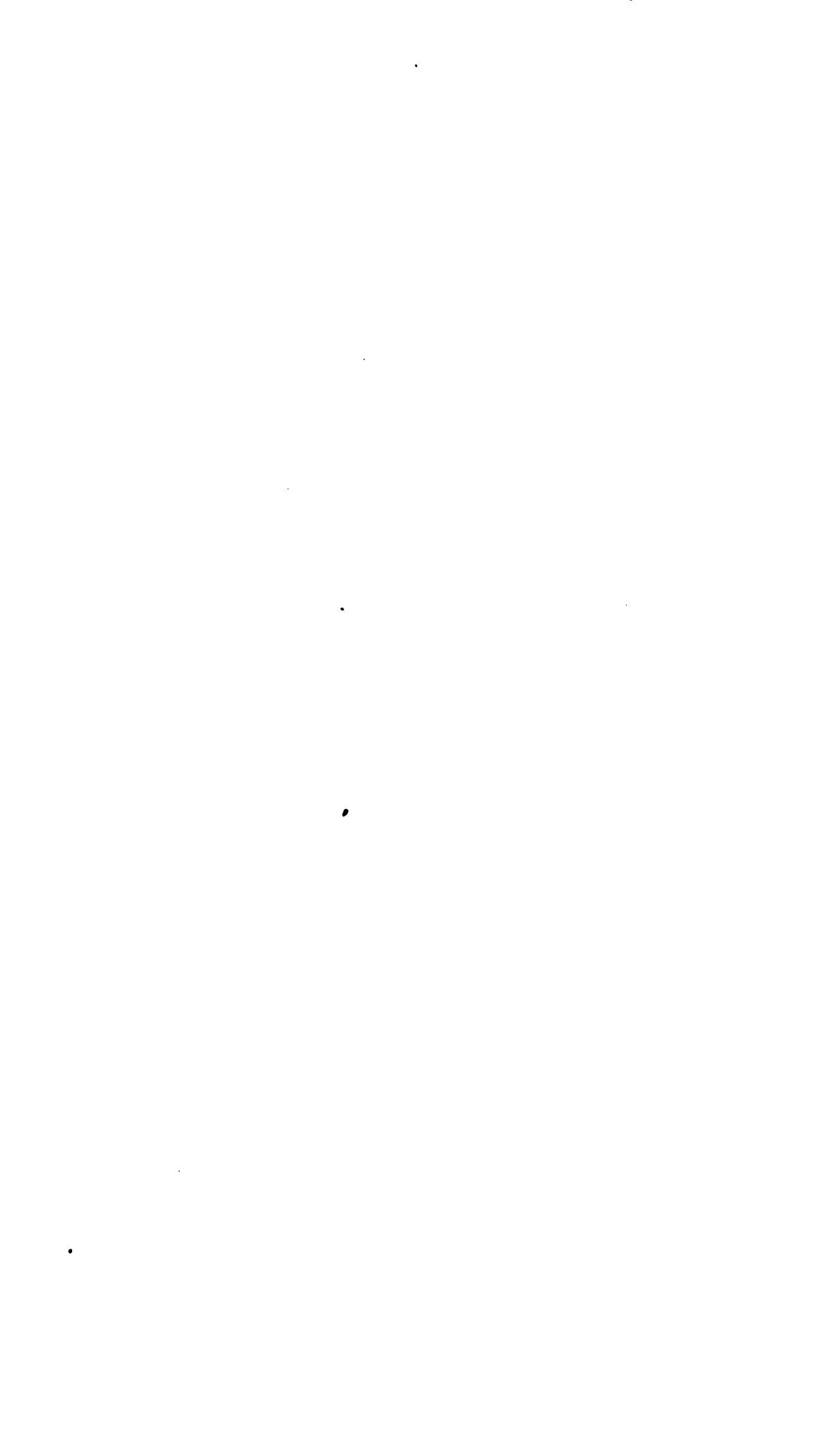
\* See p. 121 *antea*.

Lancelott Ord Senior Esq,\*  
Lancelott Ord Jun<sup>r</sup> Esq,  
Anthony Thorold Esq,  
John Pratt Esq,  
Arthur Admiston, Gent,  
Elias Bratt, Gent,  
Joseph Dickinson, Gent,  
Joseph Wattson, Gent,  
Steephen Jackson, Gent,  
Robert Cooke, Gent.

[Rawl. MS. 139 A, f. 23.]

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\* The family of Orde is numerously represented about this time, principally near Berwick-on-Tweed; of which were William Orde of Beal; Ralph Orde of West Orde; William Orde of Wester Newbiggin; and the above proposed Justice Lancelot Orde of Weetwood. Thomas Orde of Longridge in the previous generation, had been fined £50 for his estate; and about the same date was John Orde of Newcastle-on-Tyne and Hunstapworth.



**L**incolnshire.



# Penal Laws and Test Act;

PROPOSED REPEAL OF THE SAME IN 1687-8,

*In respect of the Deputy Lieutenants and Magistrates of Lincolnshire.*

[From the Original State Papers in the Bodleian Library.]

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THE Lord Lieutenant of Lincolnshire was, up to the time that King James's Questions were propounded to the Deputy Lieutenants and Magistrates of the County, Robert, third Earl of Lindsey.\* He was apparently one of the few Lords who were not removed from their Lieutenancies, and we may therefore assume him to have fallen in with the King's orders on the above occasion. He had been constituted Lieutenant and Custos Rotulorum of the County on the 19th March, 1684-5 (James II), and had assisted at the King's Coronation in his capacity of Lord High Chamberlain, the hereditary office in his family, which he also exercised in the following reign of William III.†

---

\* Robert, third Earl of Lindsey, eldest son of Montagu, Earl of Lindsey, was appointed, as above observed, to the Lieutenancy of the county of Lincoln in the first year of King James's reign. His son Robert, who succeeded as fourth Earl, had been called up to the House of Peers in his father's life time, (in 1690), as Lord Willoughby of Eresby, and was afterwards created by George I. Duke of Ancaster and Kesteven. One of the brothers of the above third Earl, Charles, was seated at Uffington, near Stamford, which he purchased in 1674 of George, Duke of Buckingham (Collins), being the present residence of the Earl of Lindsey. Eresby, near Spilsby, another seat of the family, was burned down in 1769, and its site is now occupied by a farmhouse. The third Earl, as above, died in 1701. From a former Peregrine Bertie, Baron Willoughby de Eresby, who married the daughter of John de Vere, Earl of Oxford, the family succeeded to the office of Lord High Chamberlain of England.

† There is an entry among the Rawl. MSS. giving Lord Lindsey's receipt for £260 "in lieu of the furniture in the King's bedchamber," his perquisite as Lord Chamberlain at the Coronation of William III. [Rawl. MS. A 306, 545.]

We take the Lincolnshire entries, as they appear in the MS. volume, containing the Returns transmitted to the King's Council.

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### The Lord Lieutenant's Return.

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The Cittie of Lincoln are most of them Church of England men; but there are alsoe Dissenters, and are resolv'd upon the choice of Sr Hen: Monson\* and Sr Tho: Meres.†

---

The Burrough of Grantham, (according to the best information I can have), consists of Church of England men, and some Dissenters; and in that Burrough Sr Will: Ellis‡ has such an influence, that hee will not only bee chosen himselfe, but his interest will allsoe choose any other. This account I have from some persons who doe very well understand that Corporation.

---

The Corporation of Stamford in the County of Lincoln, have binne and still continue steady in their Loyalltie, firme to the Church of England, very few Dissenters in the Burrough, and choose their parliament men by prescription; and it is thought they will choose Mr. Wm. Hide,§ and Mr. Charles Bertie.||

---

\* Sir Henry Monson (olim Mounson), of Burton, near Lincoln; ancestor of the present Lord Monson; sat for Lincoln in 1685, 1688-9; [C.O.L.]

† Sir Thomas Mears (Meres or Meers) of Kirton, near Boston, was M.P. for Lincoln from 1651 to 1688 [C.O.L.] He was knighted in 1660, and married sister and heir of Sir Erasmus de la Fountaine of Kirby Bellers, co. Lincoln; living 1696; [Le Neve; Harl. MS. 5801 f. 33]; some of the name were of Awber (Aubourne), Houghton, and Holland. His son John was a Clerk in Chancery, and knighted in 1700.

‡ See postea.

§ William Hyde of Langtoft, co. Lincoln, appears to have died in 1689, having represented Stamford from 1678 up to that time [C.O.L.].

|| Hon. Charles Bertie, the fifth son of Montagu, Earl of Lindsey, was of Uffington, the seat of the present Lord Lindsey; [see note overleaf.] He represented the borough of Stamford in several parliaments, viz. in 1677-8, 1685, 1688-9, 1695, 1700, 1702 [C. O. List]; his London residence being given as Newport-street, county Middlesex.

The Burrough of Grymsby are most Church of England:men, and few Dissenters. By the information I have from Mr. Heneage, they will chosse the same members they had before, viz<sup>t</sup> S<sup>r</sup> Edw: Ascough,\* and S<sup>r</sup> Barnardiston (*sic*).†

(Endorsed),

The Account of the County of Lincoln,  
and Burroughs in the sayd county

Jan 16<sup>th</sup> 1687

(In another hand),

To call for the old deputations  
of the Dep. L<sup>ds</sup>

[PROBABLE MEMBERS FOR THE COUNTY AND BURROUGHS.]

Com' Lincoln

- |           |                                                                    |
|-----------|--------------------------------------------------------------------|
| Stamford, | + Charles Bertie,‡ [of Newport S <sup>t</sup> , Co. Middx.]        |
|           | S <sup>r</sup> Hen: Heron, K <sup>t</sup> of y <sup>e</sup> Bath,§ |
| Grantham, | + Tho: Harington [of Boothby], } Esqrs.                            |
|           | + John Thorold   [of Grantham], }                                  |
| Lincoln,  | S <sup>r</sup> Hen: Monson Bar <sup>nt</sup> [of Lincoln].         |
|           | + S <sup>r</sup> Tho: Mears K <sup>t</sup> [of Lincoln].           |

\* Sir Edward Ascough (Ayscough or Ayscoghe) was knighted in 1671, and ob. 1694. His father, of South Kelsey, had been knighted in 1660. [Harl. MS. 5801, f. 29.] Another branch was of Nutthall in Lincolnshire. The present justice was M.P. for Grimsby in 1685, and in the Convention Parliament of 1688-9.

† Sir Thomas Barnardiston of Ketton (or Kedyton) in Lincolnshire, second Bart.; the title became extinct in 1750, on the death of the sixth Bart. The family was one of the oldest in the kingdom, and the present justice sat for Grimsby in 1685 and in the Convention Parliament of 1688-9.

‡ These names in the original have "crosses" prefixed to them.

§ Sir Henry Heron of Cressy Hall, co. Lincoln, was third son of Sir Edward Heron of Langtoft, in the same county. The former was made a Knight of the Bath in 1660; the latter in 1603. Sir Henry married daughter of Sir James Long of Draycote Cerne, in Wilts. [Harl. MS. 5801, f. 14.]

|| Will probably be John of Marston, third son of Anthony Thorold, who succeeded as fourth Baronet; was M.P. for co. Lincoln in 1700, 1701, and 1702 [C. O. L.]; sat for Grantham in 1698 and ob. 1716.

|                            |                                                                                         |
|----------------------------|-----------------------------------------------------------------------------------------|
| Boston,                    | S <sup>r</sup> Edw: Hussey Bar <sup>nt</sup> ,*                                         |
|                            | S <sup>r</sup> Will: York K <sup>nt</sup> ,†                                            |
| Grimsby,                   | S <sup>r</sup> Edw: Ascough Bar <sup>nt</sup> , [of South Kelsey]<br>Edw: King,         |
| For y <sup>e</sup> County, | The Lord Castleton,‡<br>S <sup>r</sup> Tho: Hussey,§<br>or, S <sup>r</sup> Will: Ellis. |

LETTER FROM JOHN BUTLER [? Col.] TO THE LORD LIEUTENANT OF  
THE COUNTY.

My Lord,

Pursuant to your commands I make bold to give your Lordship the best account I can of Boston: the townne intirely consists of Church of England men, and of Protestant Dissenters: the Church of England men are the greater nomber, and have the ruling power wholly in their Hands: I cannot say but that they all express great Loyalty to the

\* Sir Edward Hussey, son of Sir Charles Hussey, first Baronet of Caythorpe, co Lincoln. He was M.P. for Lincoln 1689, 1698, 1701 [C. O. L.], and succeeded later (in 1706) to the baronetcy of Sir Thomas Hussey of Honington as third Baronet, (Burke's Extinct Baronetage). The family were in descent from Lord Hussey, temp. Henry VIII.

† Sir William Yorke, Knt., sat for the Borough of Boston in 1679, 1688-9, and 1695 [C. O. L.] He was of Burton Pedwardine, and resided in 1674, the year in which he was knighted, at Leasingham. (Le Neve; Harl. MS. 5801, f. 117.)

‡ This was apparently Sir George Saunderson, fifth Viscount Castleton, and fifth baronet of Saxby, &c., in Ireland, whose first wife was Grace, daughter of first Viscount Fauconberg. His son, Nicholas Saunderson, married only daughter and heir of Sir John Wray, Bart., of Glentworth, in Lincolnshire, leaving an only son Wray Saunderson of Glentworth, heir apparent to his grandfather, and married daughter of first Earl of Rockingham. Lord Castleton married (as his second wife) the relict of Viscount Fanshawe, whose first husband was the above Sir John Wray (S. Burke's Extinct Baronetage.) He was M.P. for co. Lincoln in 1661, 1679-80-85, and 1695.

§ Sir Thomas Hussey, second Bart. of Honington, co. Lincoln; cousin to Sir Edward Hussey of Caythorpe, who succeeded him in 1706. He was M.P. for the co. of Lincoln in 1685, 1688-9, and 1689-90 [C. O. L.]

|| Sir William Ellis (or Ellys), was apparently the second Baronet, and son of Sir Thomas Ellis of Wyham, in Lincolnshire, so created in 1660. William, the brother of the first Baronet, was Attorney-General, and a judge of the Common Pleas, and M.P. for Boston in 1678. Sir Thomas married daughter of Sir John Stanhope of Elvaston, co. Derby, and niece of first Earl of Chesterfield. The baronet here named was of Nocton, and sat for Grantham in 1678, 1680, 1688-9, 1695, 1698, 1701, and ob. 1727.

King: and although they doe differ in opinion in matters of Religion, yett I am of opinion they will soe farre agree, in case theire be a parliament called, to chuse (*sic*) moderate gentlemen, which is all I can informe your Lordship of, who am my Lord,

Your obedient Servant,

Jo: BUTLER.\*

(Endorsed),

Mr. Buttlers Accompt of  
Boston to my Lord Lieutent<sup>t</sup>.

(Seal in wax;—gone.)

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### Deputy Lieutenant<sup>s</sup> and Justices of Peace.

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Justices of the Peace, Com' Lincolne.

DEPUTY LIBUTENTS<sup>s</sup>

S<sup>r</sup> Phill: Tyrwhitt,<sup>†</sup>  
 S<sup>r</sup> Rob<sup>t</sup> Thorold,<sup>‡</sup>  
 S<sup>r</sup> Edw: Ascough,  
 S<sup>r</sup> Christoph: Nevill,  
 S<sup>r</sup> Henry Heron,  
 Allan Percy Esq,  
 John Thimolby Esq [? *Thimbleby*].  
 Henry Hildyard Esq,  
 George Henneage Esq,  
 Thom: Harrington Esq,  
 Anth: Eyres Esq,

---

\* We have reason to suppose that the writer was Colonel John Butler, who was arrested at Dover when about to escape to France in May 1690, being afterwards imprisoned in the Tower. [Rawl. MS. A 306, ff. 135, 174.]

† Sir Phillip Tyrwhitt was the fourth baronet. His mother was a daughter of Nicholas, first Viscount Castleton. He married daughter of Sir Erasmus de la Fontaine. The family was seated at one time at Kettleby, and afterwards at Stanefield.

‡ Sir Robert Thorold of Hough near Grantham; created a Baronet in 1664. From note-book of Sir Joseph Williamson, in State Paper Office, we find him named "a Papist;" and "in y<sup>e</sup> Fleet now" for debt. [H. & G. ii, 125.]

Edw: King Esq,  
ffran: Grantham Esq,  
Cha: Bertie.

Mem<sup>d</sup>., all these to be alsoe Justices in all the Divisions of Holland, Kesteven, and Lindsey.

#### JUSTICES FOR KESTEVEN DIVISION,

S<sup>r</sup> Will Yorke K<sup>nt</sup>,  
Will<sup>m</sup> Thorold Esq,\*  
Jerome Bertie Esq,  
Walter Johnson Esq,  
Christoph Beresford Esq,  
S<sup>r</sup> Rich Cust Bar<sup>t</sup>,†  
John Thorold.

#### JUSTICES FOR HOLLAND DIVISION,

Walter Johnson Esq,  
Coll. John Butler Esq,  
Jerome Bertie Esq,  
Sam<sup>ll</sup> Cooper Esq,  
— Empson,  
S<sup>r</sup> Will Yorke.

#### JUSTICES FOR LINDSEY DIVISION,

S<sup>r</sup> Drayner Massenburgh Bar<sup>t</sup>,‡  
S<sup>r</sup> Goddard Nelthropp Bar<sup>t</sup>,§  
John Tyrwhit Esq,||

\* This justice was doubtless William, son of Anthony Thorold, who succeeded his grandfather Sir William Thorold of Marston, as second Baronet; and was ancestor of the present Sir John Thorold.

† Sir Richard Cust, Bart., of Stamford, was M.P. for that borough in 1680-1.

‡ This justice was Sir Draner Massingberd of South Ormsby, knighted in 1661; ancestor of the Massingberds of Ormsby in Lincolnshire. His father was Thomas Massingberd of Gunby, and his elder brother, Henry of Braytoft and Gunby, was created a Baronet, first by Cromwell and afterwards by Charles II.

§ Sir Goddard Nelthorpe, the second Baronet, was nephew to John Nelthorpe of Scawby, in Lincolnshire, and ob. 1704. Was ancestor of the late Sir John Nelthorpe (eighth Bart.) extinct.

|| John Tyrwhit was probably the son of Sir Philip Tyrwhit, who succeeded his father as fifth baronet.

Christoph Hildyard Esq,  
 + George Fitzwilliams Esq,  
 + Thom: Markham Esq,\*  
   Allen Percy Esq, (sic)  
   Edw: Compton Esq, (sic)  
 + Tho: Shuttleworth Esq,  
   —— Saltmarsh Esq,  
   George Bradley Esq,  
   Dymock Walpoole Esq,  
   Edward Dymock Esq,†  
   Charles fitzwilliams Esq,  
   Henry Newstead Esq,  
   —— Doleman Esq,

(in another hand)

mem<sup>d</sup>. Edmund Anderson.‡

ISLE OF AXHOLME.

+ George Whitchott Esq,§  
 John Pindar Esq.

Mem<sup>d</sup>. Some Dissenters (meno'oned in the List given by S<sup>r</sup> Nich Butler),  
 may be added, except the John Nelthorpe, who are scandalous.|| (sic)

(Endorsed),

Lincoln,  
 Justices of the Peace and  
 Dep L<sup>u</sup>.

\* Thomas Markham was apparently grandson of Sir Robert Markham, first Bart. of Sedgebrooke, whose son eventually became fourth and last baronet in 1736; or Thomas Markham of Ollerton and Claxby in Lincolnshire, grandson of Thomas Markham of Ollerton, a colonel in the Royalist army.

† Edward Dymoke was brother of Sir Charles Dymoke of Scrivelsby, Champion at the Coronation of James II.

‡ We assume this Edmund to have been the third son of the first Baronet of Broughton, who succeeded eventually as fourth Bart, and was direct ancestor of the present Sir Charles Anderson of Lea.

§ Of Harpswell, co. Lincoln. We are disposed to take the member returned for Lincoln in 1698, under the name of George Whichett of Melwood, co. Lincoln, as a clerical error for Whitchott.

|| So erased in the original; a Richard Nelthorpe was engaged in the Rye House Plot.

### Questions.

---

- 1<sup>st</sup> Quest<sup>n</sup>. In case hee shall be chosen K<sup>nt</sup> of the shire or Burgesse of a Towne when the King shall thinke fitt to call a parliament, whether hee will bee for taking off the penall Laws and the Tests.
- 2<sup>d</sup> Quest<sup>n</sup>. Whether hee will assist and contribute to the election of such members, as shall bee for taking off the penall Laws and Tests.
- 3<sup>d</sup> Quest<sup>n</sup>. Whether hee will support the Kings Declaration for Libertie of Conscience, by liveing ffriendly with those of all perswasions, as subjects of the same prince, and good Christians ought to doe.
- 

### Answers.

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Wee whose names are subscribed doe answeere to all the above written Questions in the affirmative, That wee will.

Lincolnshire,  
Sleeford,  
Novemb<sup>r</sup> 10  
1687.

G: Heneage,  
A: Percy,  
Wm: Thorold,  
Edw: Compton,  
W: ffitzwilliam,  
Tho: Shuttleworth,  
Edw: King,  
Tho: Harington,  
S<sup>r</sup> Edw: Ascough,  
S<sup>r</sup> Christ<sup>r</sup> Neville,\*

---

\* Sir Christopher Nevile Knt. of Aubourne, co. Lincoln; was M.P. for Lincoln city in the Convention Parliament of 1688-9. He was knighted in 1674, and married daughter of Sir Arthur Ingram of Barrowby. [Le Neve; Harl. MS. 5801, f. 117.]

S<sup>r</sup> Phil. Tyrwhit,  
Anth: Eyres. .

(Endorsed),

Answeare to the  
Questions.  
Lincolnshire.

---

### Justices of Peace.

---

Robert Willoughby of Earsby [*Eresby*],\*†  
Peringan Bartee Esq, [*Peregrine Bertie*]‡  
Charles Bartee Esq,  
S<sup>r</sup> Phillip Tyrwhitt Baronett,  
S<sup>r</sup> Robert Thorold Baronett,  
+ S<sup>r</sup> Henry Herne [*Heron*] Knight of y<sup>e</sup> Bath,§  
S<sup>r</sup> Edw: Ayscough knight,  
S<sup>r</sup> Thomas Meares knight (*sic*),  
+ John Thimbleby Esq,||  
+ Henry Hiliard Esq,  
S<sup>r</sup> Christopher Nevile Knight,

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\* We take this to be an error, and that it should read "Robert, *Lord* Willoughby of Eresby," who was the eldest son of the third Earl of Lindsey, and summoned to the House of Lords by that title during his father's life time. He became afterwards fourth Earl of Lindsey, and Duke of Ancaster.

† The names in the following Returns are spelt wrongly in most instances, and very illegible.

‡ Hon. Peregrine Bertie was second son of Montagu, Earl of Lindsey, and brother to the third Earl. He married daughter and heir of Sir Edward Monins of Walder-share in Kent, Bart. There was at this time also another Peregrine Bertie, second son, by his second wife, of Robert third Earl of Lindsey, and therefore nephew to the foregoing Peregrine. It is equally likely that this last may be the justice named. He was afterwards Vice-Chamberlain of the Household to Queen Anne, one of the Tellers of the Exchequer, and represented Boston in Parliament in 1685, 1702. [C. O. L.] ; he died a.p. 1711.

§ Sir Henry Heron, Knight of the Bath. His son Henry married Abigail, daughter and heir of Sir William Heveningham, by Barbara, daughter of George Villiers, Viscount Grandison.

|| Thimbleby of Irnham, co. Lincoln.

George Heneage Esq,  
Tho<sup>s</sup> Harrington Esq,  
Edw<sup>d</sup> King Esq.

#### LINDSBY.

Henry Compton Esq,  
Alan Persey [Percy] Esq,  
— Shuttelworth, Esq,  
+ John Thurwitt [*Tyrwhitt*] Esq,  
+ George Witchcott Esq,  
+ John Pinder Esq,  
+ ffraunce Purley Esq,  
+ — Rider Esq,  
Samuel ffuller, Chancellor of Lincolne,\*  
— Bravent [*Brevint*], Deane of Lincolne,†  
Dr Gardiner, Sub Deane of Lincolne,‡  
John Dale, Bachelor of Devinety (*sic*),  
— Archer Esq.

#### KESTEVEN.

S<sup>r</sup> Christopher — [blotted] Knight, (Neville?)  
Jerom Bartee Esq,  
John Thyrold [*Thorold*] Esq,  
Christopher Berisford Esq,  
William Thorold Esq,  
John Lewis Mordent Esq.

#### HOLLAND

Jerom Bartee [*Bertie*] Esq,  
— Shuttelworth Esq,

\* Samuel Fuller, Chancellor of Lincoln, became Dean in 1695, in succession to Dr. Brevint. (Browne Willis; Survey of Cathedrals.)

† Dr. Daniel Brevint, a learned divine, and fellow of Jesus College, Oxford, from which he was ejected by Parliamentary Committee, and became pastor of a Protestant congregation in Normandy. At the Restoration he was made a Prebendary of Durham, and in 1681 Dean of Lincoln; ob. 1695. He was a native of Jersey, and a list of his writings is to be found in Wood's *Athenæ Oxon.*

‡ Dr. James Gardiner, Sub-Dean, was made a Bishop in 1694. (Browne Willis.)

John Butler Esq,  
 Dimock Walkoote Esq,  
 George Bradley Esq,  
 Christopher Hilliard Esq,  
 \_\_\_\_\_ Boothby Esq,  
 Marmaduke Dorrell, Sen<sup>r</sup>,  
 George Lankton [*Langton*] Esq,  
 Cyreack (*sic*) Wisselhead Esq,  
 Francis Grantham Esq,  
 John Nelthorpe Esq,\*  
 .      Nelthorpe of Scorby [*Scawby*] Esq,†  
 Kea of Lednham Esq,:  
 Newcomen of Theslethorp [*Theddlethorpe?*] Gen<sup>t</sup>,  
 Hen: Newstall Gen<sup>t</sup>,  
 S<sup>r</sup> Will: York,  
 S<sup>r</sup> Rich: Cust.

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### Answers.

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#### [Further Answers from the Magistracy to the Circular Questions.]

In answeare to the ffirste Question: In case I bee chosen to serve in parliament for the County of Lincoln, or any Burrough therein, I can-not consent to repeale the Test, and for the penall Laws, some of them I can consent to repeale or alter.

As to the second Question: I will vote for and assist such Loyall and Honest Gentlemen as I think will faythfully serve his Ma<sup>tie</sup> and theire country.

As to the third: I will endeavour to live peaceably w<sup>th</sup> men of all per-swasions, as becomes a good Christian and subject of the same prince.

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\* Son of Sir Goddard Nelthorpe of Scawby, Bart.

† Was either Montague (grandson), or Henry eldest son of Sir Goddard Nelthorpe of Scawby.

: Key of Leadenham or Ledenharn.

Lincolnshire,  
Sleeford,  
Novemb<sup>r</sup>  
10<sup>th</sup> 1687. } This is the Answere to the three Questions to my  
Lord: Lieuten<sup>t</sup>, from the gen<sup>t</sup> whose names are  
hereunder written.

S<sup>r</sup> Hen: Monson,  
S<sup>r</sup> Tho: Hussey,  
S<sup>r</sup> Rob<sup>t</sup> Markham,\*  
S<sup>r</sup> Willughby Hickman, (sic)†  
S<sup>r</sup> Edw: Hussey,  
S<sup>r</sup> John Oldfield,‡  
S<sup>r</sup> Rich: Rothwell,§  
Daniel Deligne Esq,||  
Vincent Grantham Esq,

This is one of the worst of them, fitt to be turned out.\*\* Rob<sup>t</sup> Sands Esq,  
Tom: Hyde Esq,  
Hen: Burrell Esq,  
— Goodall Esq.

Mr. Chancell<sup>r</sup> fuller, and Dr. Gardiner Sub-Dean of Lincoln, beeing Clergiemen, are incapacitated to answer to the third Question, but doe agree to the two last [first.]

FFRANCIS DALE, Cler'

It is suppos'd that if the absent justices and Deputy Lieuten<sup>s</sup> had binn p'sent, they would have binn of the same opinion, and would almost have doubled the number.

(Endorsed),  
Answere to the  
Questions.

\* There were four branches of the Markhams, viz.: of Cotham, of Ollerton, of Sedgebrook, and of Oxton. We can identify the above justice with no other than Sir Robert Markham, 2nd Baronet of Sedgebrook.

† Sir Willoughby Hickman of Gainsborough, succeeded as third Baronet in 1682; he was afterwards M.P. for Lincolnshire; having married daughter of Sir Stephen Anderson of Eyworth.

‡ Sir John Oldfield, second and last Baronet of Spalding.

§ Sir Richard Rothwell of Ewerby and Stapleford, was created a Baronet in 1661, and dying s.p.m. in 1694 the title became extinct. Sir Joseph Williamson in his "Lincolnshire Notes," observes:—" His father was a chiefe constable." [H. & G., ii, 124.]

|| De Ligne of Harlaxton, co. Lincoln.

\*\* This marginal note embraces the three names, making it uncertain to which the remark applies.

To the first,

Wee humbly conceive where the Legislative power (being King, Lords, and Commons), have concurr'd in the makeing of Acts, it were a presumption in men of our private stations to arraigne or censure the same, but as to theire beeing prejudicall or not prejudicall to the Nation, is wholly to be left to the determination and judgment of a succeeding parliament.

To the Second,

When his Majestie shall issue out writs for the calling of a Parliament, wee shall use our uttmost endeavours that men of knowne integritie and Loyalty bee elected: such as shall have due regarde to his Maies Royall prerogative, the establishment of the protestant Religion, and the welfare and prosperitie of this Kingdome.

To the Third,

As the principles of our Church teaches us to bee of an inoffensive beehaviour, soe shall wee as dutifull subjects under one prince, live peaceably and ffriendly w<sup>th</sup> all men, tho' of however different perswasions.

Lincolnshire,  
Sleeford,  
Novemb<sup>r</sup> 10<sup>th</sup>  
1687.

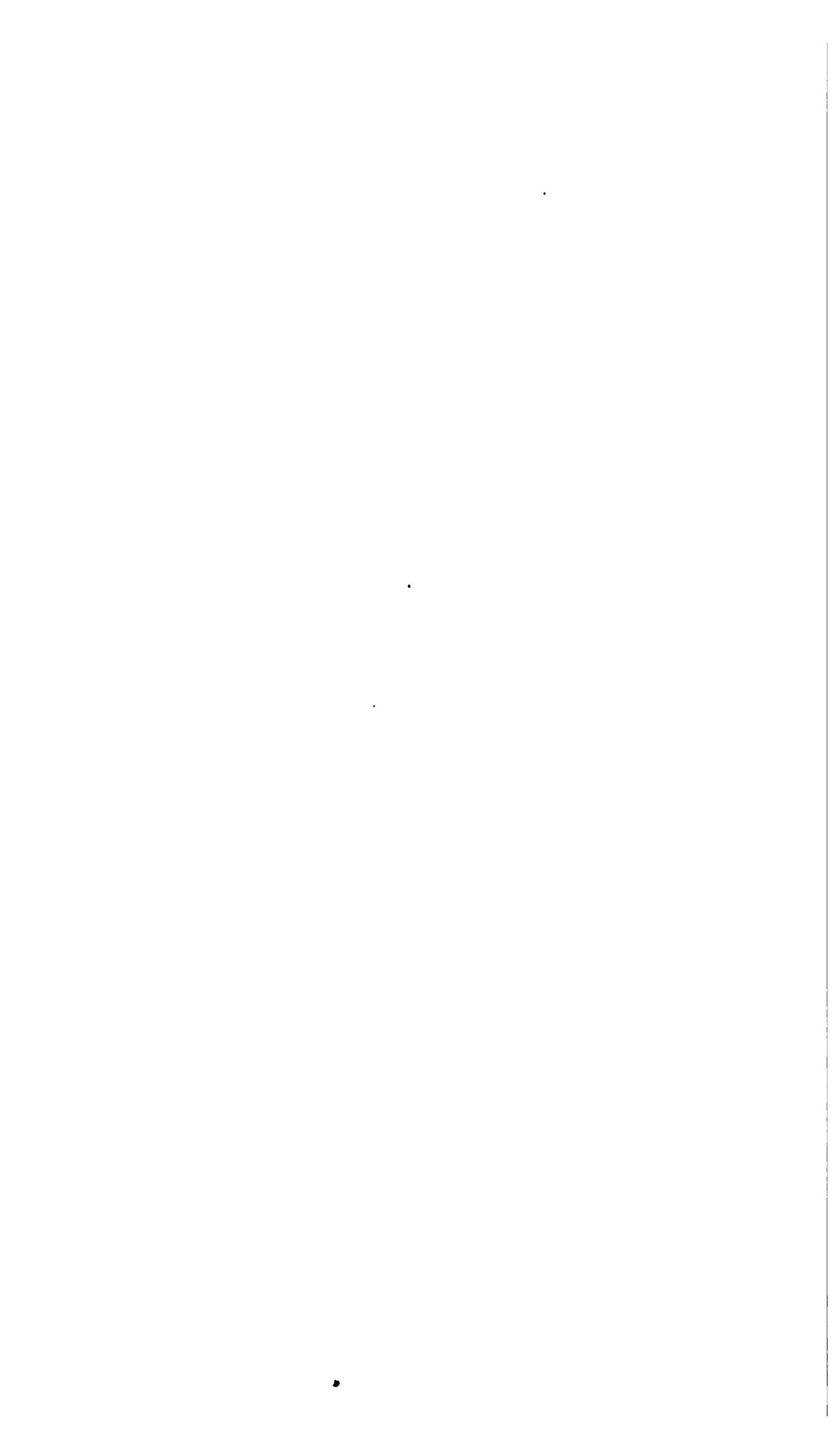
This is the Answeare to the three Questions to  
my L<sup>d</sup> Lieuta<sup>nt</sup> from the gent<sup>m</sup> whose names  
are here under written.

CHRISTOPHER BERRISPORD Esq,  
DANIELL RHODES Esq,  
ROB<sup>t</sup> FFISHER Esq.

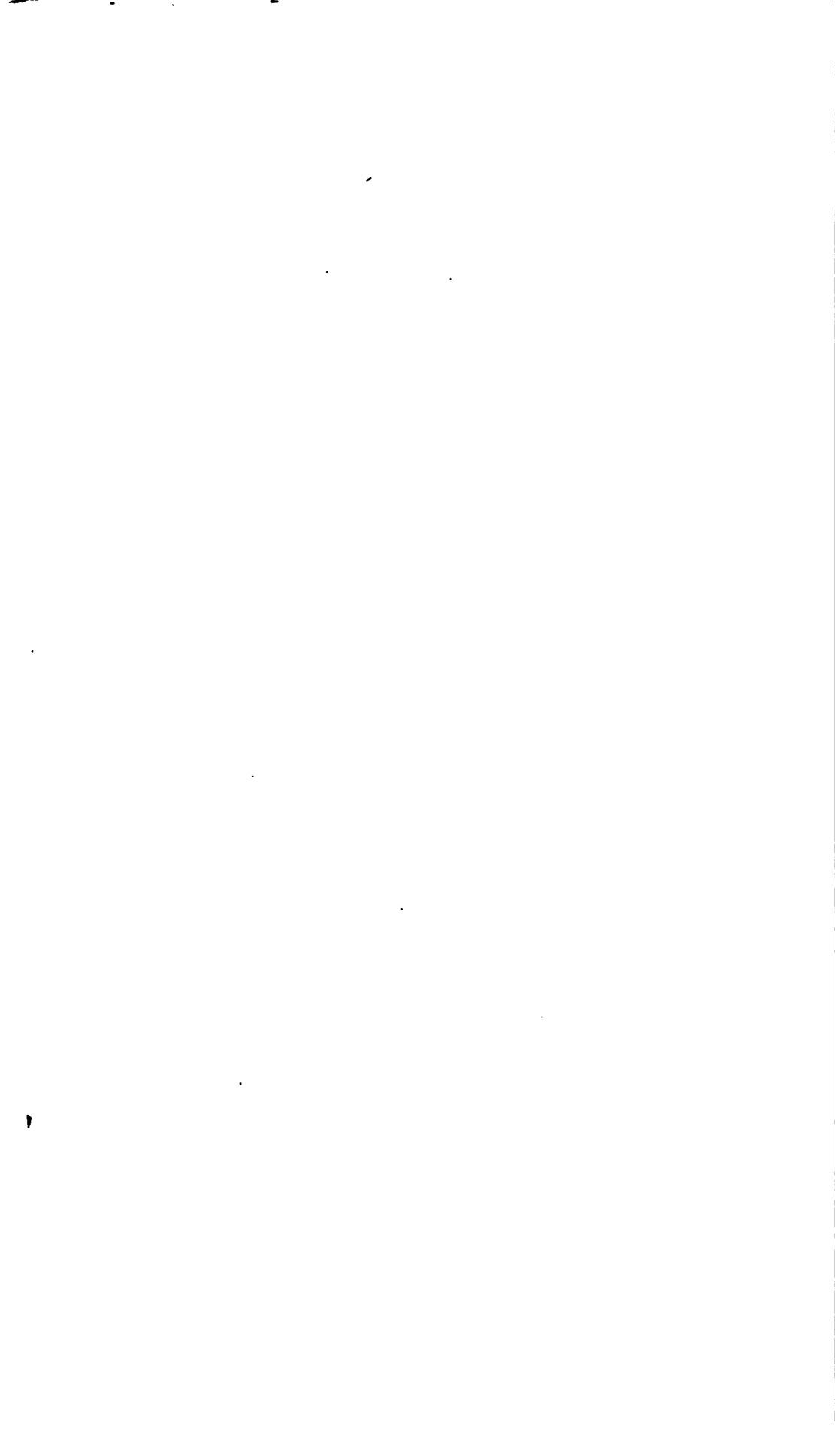
(Endorsed),

Answeare to the  
Questions.

[Rawl. MS., 139 A, f. 26 seq; Bibl. Bodl.]



**Derbyshire.**



# Penal Laws and Test Act;

PROPOSED REPEAL OF THE SAME IN 1687-8;

*With reference to the Magistrates, &c., of the County of Derby;*

[From the Original Documents in the Bodleian.]

Theophilus Hastings, seventh Earl of Huntingdon, had superseded the Earl of Scarsdale, removed from the Lieutenancy of Derbyshire, for non-compliance with King James's measures. His ancestor, the third earl, had been the Lord President of the North in 1591, known as the "Protestant" Earl of Huntingdon; and apparently the Earl, the King's Lieutenant of the county under notice, had retained the faith of his progenitor, for from a toast he is said to have proposed at a Lord Mayor's feast in 1679,\* his religious views were in that year plainly opposed to those of his future Sovereign, as they were also from other facts, which have been handed down, occurring in the year following.† In 1682 he had been Captain of the Band of Pensioners, in succession to Lord Scarsdale, and in the year following was sworn of the Privy Council. In 1684-5 he signed with others the order for proclaiming James II. Although ostensibly in

\* The hon<sup>n</sup> Charles Hatton to his brother Lord Hatton:—Dec. 11, 1679. "Fryday was sennight, y<sup>e</sup> addressing lords were with y<sup>e</sup> L<sup>d</sup> Maior, endeavouring to perswade him to call a common Councill, and on y<sup>e</sup> Monday following y<sup>e</sup> Lords Huntingdon, Clare, Shaftsbury, Wharton, Grey, Howard of Escric, Herbert of Shirbury, &c., all went again to dine w<sup>th</sup> y<sup>e</sup> L<sup>d</sup> Maior upon y<sup>e</sup> like designe." . . . "After grace was said, y<sup>e</sup> Lord Huntingdon desired leave of y<sup>e</sup> L<sup>d</sup> Maior to begin a health, and begun y<sup>e</sup> Duke of Monmouth's health; w<sup>th</sup>, when it came to y<sup>e</sup> L<sup>d</sup> Ch. Justice he pledged it, expressing withall a great honour for y<sup>e</sup> Duke, and, after, desired leave of y<sup>e</sup> L<sup>d</sup> Maior to begin a health, and then drunk to my Lord Huntingdon y<sup>e</sup> Duke of York's health." The L<sup>d</sup> Huntingdon replied: "And confusion to Popery!" The L<sup>d</sup> Chief J. answered: "Yes, y<sup>e</sup> Duke of York's health, and confusion to Popery!" [Cl. Hatton Correspondence, i, 209.]

† John Verney to Sir R. Verney; 1680, June 30.—"On Saturday ten lords (Huntingdon, Gray, North, &c.) and ten commoners (Thos. Wharton, Thos. Thinn, Sir Scrope How, Lord Candish (Cavendish) Lord Russel, &c.), met at the Court of Requests,

King James's interest, his whole career seems to have been a series of contradictions, for whilst we find him at one period of it an adherent of the Duke of Monmouth, we actually see him replacing, not long afterwards, the Lord Treasurer Rochester,\* as one of the Ecclesiastical Commissioners. At the last, however, his acts admit of less doubt, for in 1688 he voted for declaring the Throne vacant, and according to Lord Clarendon,\* "had always voted against the King." Still long after James's abdication he was mis-trusted, and looked upon with suspicion. In 1685 he was appointed colonel of the 13th Regiment of Foot, one of the British regiments in the Dutch service, which proceeded to Holland in that year.† Being stationed at Plymouth, in command of the same, on the landing of William of Orange in 1688, he and all the Catholic officers of his regiment were placed under arrest by the Earl of Bath, the then Governor, and Lord Lieutenant of Cornwall, who had just declared for the Prince.‡ The circumstance is rendered historically of some importance from the effect it

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and designed at the King's Bench bar to give in an information to the grand jury of Middlesex, that the Duke of York was a Papist, (and some say they designed to accuse him as a traitor for being reconciled to the Church of Rome, under an old statute), and they went to Jones [Chief Justice, Sir Thos. Jones] about this or some other point, who told them that it was not law. But the judges having some private notice of their design called the grand jury, and dismissed them for this term. They told the judges that many weighty matters lay before them; but the judges would not believe them and discharged them. On Monday several of the persons above mentioned went to Windsor with a petition for the sitting of the Parliament. Seeing Lord Cavendish, his Majesty asked him how he, that was banished his sight, dare come there. My Lord told his Majesty that he had been pleased to dismiss him from his Majesty's service, but he could never dismiss his loyalty and from being a good subject, and then spoke about the sitting of the Parliament; but his Majesty in great anger turned away, and went from him." [Hist. MSS. Com. vii, 479; Sir. H. Verney's Papers.]

\* Bramston, *Memoirs*, p. 267; *Diary of Henry, Earl of Clarendon*, ii, 166.

† The following extract from a letter, among the Verney papers, Sept. 16th, 1685, refers to the matter:—"There are five regiments going into Holland, Shrewsbury, Huntingdon, Lumly, Hale, and Sir W<sup>m</sup> Clifton, and my Lord Pembroke General of them, and to be Lieutenant General to the Prince of Aurange (*sic*)."  
[Hist. MSS. Com.; Verney Papers.]

‡ The particulars are recorded in the "Hatton Correspondence" [ii, 117], and by Macpherson, "Life of James II." In the former is this entry:—"My L<sup>d</sup> Huntingdon is made prisoner at Plymouth by y<sup>e</sup> E. of Bath, who has declared for y<sup>e</sup> Prince of Or<sup>ange</sup>, and all y<sup>e</sup> officers of y<sup>e</sup> L<sup>d</sup> Hunt<sup>ingdon</sup>'s regiment, except Capt. Hatton." (Earl of Nottingham to Lord Hatton.) See foot-note p. 369 *postea*.

seemed likely to have upon the County of Derby thus deprived of his services, and this we find by the correspondence quoted below from the Netherby MSS. in Hist. MSS. Com. Report.\* A despatch of this date, which passed between Lord Preston, the Secretary of State, and one or two of the Deputy Lieutenants of the County, proves the greater portion of these to have been removed for their answers on the Penal Statutes, and that Derbyshire being thus deprived of its governing official at that critical juncture, the few deputies left to administer in his room, demurred to the authority of Lord Preston, and the validity of commissions issued solely under a dispensing power.

\* The despatch, which has been partly altered in its original orthography, quotes the names of Hunloke, Degge, Vernon, and Gladwyn in the Lord Lieutenant's Return, and runs thus:—

1688, Nov. 1 Derby [Sir] Henry Hunloke and George Vernon to [Lord Preston.] According to your commands we proposed the deputation to Sir Symon Degge, wherein he desired to be excused by reason of his age; . . . . and concluded that a blank commission was invalid; . . . . we did consult with him and Mr. Adderley what we should do in this present conjuncture to secure our king and country . . . . and concluded that all we could do at present, (being but two qualified dep. lieutenants, and Mr. Gladwyn, one of them, now at home not well), was to summon both horse and foot to be ready at an hour's warning, which we have issued out warrants for, and sent them to Mr. Gladwyn to sign. And we are all of this opinion, and find it by experience:—1<sup>st</sup> That it is disgusting to the country in general to obey any orders, or to act under any Roman Catholic, or not qualified lieutenant, or other inferior officer, which is the reason we do not send Mr. Sympson his commission. 2<sup>d</sup>. That your Lordship's answer that you are sufficiently qualified to all intents and purposes, will not give satisfaction to our gentry to act under your Lordship, because your Lordship may rely upon a dispensation to be such a qualification, and they will not admit any thing to be so, but the taking the oaths and test in due time, as the law requires. 3<sup>rd</sup>. That if you please to write a letter to us, and certify your taking the said oaths and test in what place and at what time, with the date of your commission, and that it be done as the law requires, that then you'll please to send down deputations and commissions for all those gentlemen that lately went out, a particular list of which is inclosed, and inforce this with a letter from the King to command them upon their allegiance to serve, (if his Majesty shall so think fit), we hope to prevail with many of them so to do, and will freely offer them either our assistance, or to resign, and leave it wholly to them, which may be best for his Majesty's service . . . . for in this time of more than ordinary danger, most persons expect to be courted to freely offer their lives and fortunes. We will meet here again on Thursday next, (or sooner), or the next day after we have any certainty that the land is invaded; and then will without any question raise a force to keep the country quiet. But if there be not that necessity, we think it most for his Majesty's service not to raise the men, till we have got the assistance of such other deputy lieutenants, as that we may justify distresses for money, redresses upon complaints, imposing fines for non-appearance or other defaults; all which we cannot now do. . . . Should there be any invasion before we have any further instructions from your Lordship, we will endeavour to get the deputation accepted. [Hist. MSS. Com. vii, 412; Sir F. Graham's Papers.]

After James's abdication he was divested of all his employments, and in 1690 was excepted from the benefit of King William's Act of Indemnity. In 1692, just before the battle of La Hogue, he was apprehended with the Earl (afterwards Duke) of Marlborough as disaffected to the Government, and committed to the Tower. In 1701, the year in which he died, he protested against the Act of Settlement of the Protestant Succession, [Cf. Hist. MSS. Com.; Hatton Correspondence], in which course, judging from what has been observed, there appears great incongruity and contradiction, as there is in fact in all previous matters recorded of him, but Tyndal [Hist. of Engl.] observes with regard to many at this time, and to the Act of Settlement in particular, that "It was evident a strong party was formed against this Act in favour of the pretended Prince of Wales, and that many who *called themselves Protestants* seemed fond of such a successor; a degree of infatuation that might justly amuse all who observed it."

### Magistrates and Deputy Lieutenants.

#### Deputy Lieutenants and Justices of y<sup>e</sup> Peace for the County of Derby.

D<sup>r</sup>y L. + Sir Henry Hunlock Bart,  
+ Thomas Gladwyn Esq,\*  
+ Thomas Eyre of Rowter,  
+ Thomas Eyre of Hassopp,†  
D<sup>r</sup>y L. Rowland Eyre of the same,

\* Gladwin of Cold Aston [? Cold Eaton], co. Derby.

† Thomas Eyre of Hassop, was probably identical with the Colonel Eyre, (or his son), who garrisoned Hassop for Charles I.

- + Basill ffitzherbert of Norbury,\*  
 D<sup>r</sup> L. + Will<sup>m</sup> ffitzherbert of the same,†  
 + Arthur Warren,  
 S<sup>r</sup> Edward Abney Kn<sup>t</sup>,‡  
 S<sup>r</sup> Symon Degg,§  
 Henry Kendall,  
 Henry Every,  
 Henry Balgay,||  
 Rob<sup>t</sup> Willimot,  
 + John Stanhope,  
 Dep<sup>t</sup> L<sup>t</sup> Antchetill Gray,\*\*\*  
 + S<sup>r</sup> John Gell Bart,††  
 Phillip Gell,  
 D<sup>r</sup> L. George Vernon,§§  
 John Maurewood,  
 Cornelius Clarke,  
 John Spateman,|||  
 Thom. Woolhouse,  
 Sam<sup>ll</sup> Saunders Jun<sup>r</sup>,

\* Basil Fitzherbert of Norbury and Swinnerton, Esq., descended from Sir Anthony Fitzherbert, Judge of the Common Pleas, temp. Henry VIII. His descendant was the attractive and well-known Mrs. Fitzherbert, who died in 1837.

† William Fitzherbert, son of the foregoing.

‡ Sir Edward Abney of Willesley, co. Derby; was a judge and "doctor of lawes," and knighted, according to Le Neve, in 1673. He was brother of Sir Thomas Abney, Lord Mayor of London in 1694.

§ Sir Simon Degg (or Degge) of Derby, was a lawyer, one of the justices of South Wales, and for the Marches of Wales, and a Royalist. He was named at the Restoration as one of the intended "Knights of the Royal Oak." He was knighted in 1669; and served as High Sheriff in 1675, and died in 1702.

|| Henry Balgy was probably son of John Balgy of Aston in the Peak and Darwent, co. Derby.

\*\* Hon<sup>ble</sup> Anchitell Grey was the second son of Henry, Earl of Stamford. He married daughter and heir of Sir Henry Willoughby of Riseley, in Derbyshire, and widow of Sir Thomas Aston, Bart.; and represented Derby in 1678, 1680, 1688-9, and 1689-90.

†† Sir John Gell, second Baronet of Hopton in Derbyshire, was M.P. for the county in 1689 at the time of his death. His father had been created a baronet in 1641, and was an active parliamentarian officer during the civil war from the first commencement of hostilities.

†† Sir Philip Gell, succeeded his father as third and last Baronet in 1689, and in the same year was returned for his vacant seat for the county. He married daughter of Sir John Fagg of Wiston, in Sussex.

§§ George Vernon of Sudbury; was M.P. for Derby in 1678, 1680, &c., and grandfather of the first Lord Vernon.

|| Spateman of Rodenook in Morton.

Henry Heveningham,  
Will<sup>m</sup> Eyres of Highlow,  
John Burrowes.

(Endorsed),

Dep<sup>ty</sup> Lieutenants and Justices of Darby and Leicester,  
Feb 8<sup>½</sup>

### The King's Instructions.

In obedience to the Kings Instructions I caused the Deputy Lieutenants and Justices of the Peace within the County of Derby, whose names are underwritten to be summoned to meet mee at Derby on 18<sup>th</sup> January, 1687, and required from them that apeared theire opinions to the three questions relating to the Penal Laws, and Tests, to which they made severally the following answers:—

### Answers.

These gentlemen answeared in the affirmative to all the three Questions:—

Sir Henry Hanlocke (*sic*) Bar<sup>t</sup>,\*

Thomas Gladwin Esq,

Thomas Eyre of Rowter Esq,

Thomas Eyre of Hassop Esq; a Catholick but absent,

Basil & William Fitts Herbertt Esqrs of Norbury, Catholick but absent,

\* Sir Henry Hunloke, second Baronet of Wingerworth, co. Derby, was related to Windsor, Earl of Plymouth, through his mother, daughter of Dixey Hickman of Kew. One of his daughters was the Lady Abbess of the English Benedictine Nuns of Pontoise in France.

Arthur Warren Esq, absent, but answeared in the affirmative in  
 Nottinghamshire,  
 Reginald Pinder Esq, resident in Gloucestershire,  
 + Roland Okeover Esq, resident in Staffordshire,  
 Sir Edward Abney Kn<sup>t</sup>, absent,  
 Sir Henry Every,\* to the first, 2<sup>d</sup> & 3<sup>d</sup>, hee will not promise.

These Gentlemen to the first and second Question, say, they cannot promise; to the third they answear in the affirmative:—

Sir William Boothby, Sir Simon Deg, Sir Gilbert Clerke Kn<sup>t</sup>; Robert Burdett,† William Allestry,: Godfrey Meynill, + John Every, Gilbert Thacker,§ John Lowe, Henry Cavendish,|| Henry Kendall, William Fitz Herbert, Henry Every, Henry Balgay.

Robert Willimot Esq, to the first Question hee answeares, that if hee bee chosen a Member of Parliament, hee will not bring with him any prejudging or obstinate humor or temper, but such as shall yeild not only to the Information, but the Conviction of the best reasons that shall bee offered in the House.

To the second Question that hee will not use any Interest hee may have for the Election of any person of a prejudging or obstinate temper or humor, but for such if att all as of the temper expressed in the answear to the first Question; to the last he answears affirmatively.

+ John Stanhop; an officer in the Army.\*\*

William Barker Esq; there is no such man.

Henry Every and Henry Balgay Esq<sup>rs</sup> have not returned their answares; they never acted as Justices of the Peace.

The Earls of Chesterfield and Scarsdale are both in Commission of the Peace, but I sent not to them because I suppose His Majesty is already informed of their opinions in this matter.

\* Sir Henry Every, third Baronet of Eggington, in Derbyshire; married, first, daughter of Viscount Tracy; secondly, daughter and heir of Sir F. Russell of Strensham, in Worcestershire; ancestor of the present baronet.

† Of Foremark, co. Derby.

‡ William Allestry of Walton, was sheriff of the county in 1683, and M.P. for the city of Derby in 1685; the name was connected with Turnditch, Alvaston, and Walton.

§ Thacker of Repton, co. Derby.

|| Apparently Lord Henry Cavendish, second son of William, fourth Earl, and first Duke of Devonshire; was returned for the city of Derby in 1695. This justice might otherwise be taken for Henry Cavendish of Doveridge, who occurs at this time also; ancestor of the extinct baronets of that name.

\*\* John Stanhope would seem to have been of Elvaston, and father of William, first Earl of Harrington.

Persons fitt for Justices of y<sup>e</sup> Peace.

Sir John Gell Baron<sup>t</sup>, Phillip Gell, George Vernon, John Maurewood, Antichell Gray, Cornelius Clerke, John Spateman, Thomas Woolhouse, Samuel Saunders Junior, Henry Heveningham, Will<sup>m</sup> fitzherbert of Norbury, William Eyre of Highloe, John Burroughs.

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Persons proposed for Parliament-Men.

For the County :—Sir John Gell Bar<sup>t</sup>, Cornelius Clerke Esq.

For the Towne :—George Vernon Esq and Anchitell Gray Esq<sup>rs</sup>.

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At my coming to Derby I found the Corporation new regulated, but none amongst them proper to stand for Burgesses, for Quality, Fortune, or Interest, especially in a county where there are so [*word omitted*] for Elections.

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Derbyshire Deputy L<sup>ts</sup>:

|                                                           |                              |
|-----------------------------------------------------------|------------------------------|
| S <sup>r</sup> Henry Every Bar <sup>t</sup> ,             | } Justices.                  |
| S <sup>r</sup> Robert Cook Bar <sup>t</sup> ,* dead;      |                              |
| S <sup>r</sup> W <sup>m</sup> Boothby Bar <sup>t</sup> ,† |                              |
| S <sup>r</sup> Gilbert Clark Kn <sup>t</sup> ,‡           |                              |
| W <sup>m</sup> Fitzherbert Esq,                           |                              |
| Sam <sup>ll</sup> Pierrepont Esq,                         | } Not Justices of the Peace. |
| Rob <sup>t</sup> Burdett Esq,                             |                              |

[Rawl. MS. A, 139; ff. 115-123.]

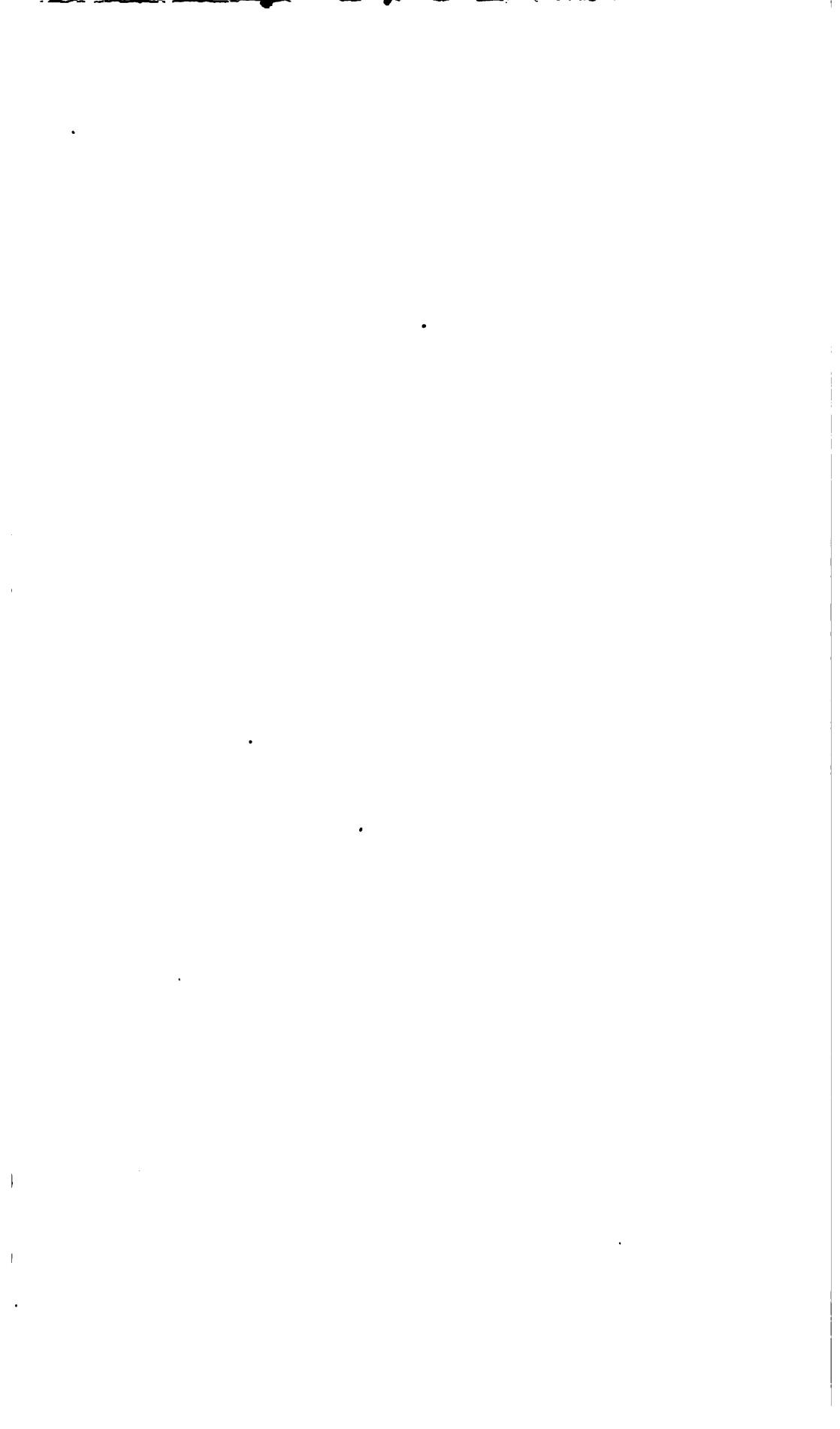
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\* Sir Robert Coke, second Bart. of Longford, represented the co. of Derby in 1685, and died in 1687. His ancestor was the celebrated Lord Chief Justice, Sir Edward Coke, temp. James I.

† Sir William Boothby of Broadlow Ash, near Ashborne, Bart.

‡ Sir Gilbert Clerke Knt. sat for the co. of Derby in 1685.

Sussex.



# Penal Laws and Test Act;

PROPOSED REPEAL OF THE SAME IN 1687-8;

*In respect of the Deputy Lieutenants and Magistrates of Sussex.*

[From the Original State Papers of the Reign of James II., in the Bodleian Library,  
relating to the abrogation of those Laws.\*]

THE repeal of the Penal Laws and Test Act, which James II. had studied from the commencement of his reign to bring about, was a matter which he primarily resolved to settle and effect, if possible, by virtue of his sole Royal authority, for the "Declaration of Toleration and Liberty of Conscience," proclaimed by him in 1687-8 to all creeds, was issued with that determination; the Judges having, in addition, by their verdict the previous year, confirmed his right to dispense with those statutes.

It was an object with the King, however, under existing circumstances, to impart an air of constitutional authority to this act, and to endeavour to carry their abrogation by means of Parliament, so that, as a preliminary measure of chief importance with regard to the next election, it was deemed desirable to canvass the Magistracy of the different counties and the Corporations, touching their private views and leanings on the subject.

With this object the Lords Lieutenant were instructed to put certain interrogatories to the Deputy Lieutenants and Magis-

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\* Reprinted from the "Sussex Archaeological Collections."

rates of their respective counties, whilst Secret Agents were sent throughout the country to sound and canvass the constituencies and ascertain their sentiments. It would seem that this task was not altogether one which the greater part of the Lords Lieutenant were disposed to entertain, and nearly the half of the entire number were summarily displaced. Up to this time, Charles Sackville, Earl of Dorset and Middlesex, had been entrusted with the county of Sussex, and was one of the number removed from their Lieutenancies for declining to carry out the King's order,—Lord Montague (of Cowdray), conjointly with William, first Marquis of Powis,\* being substituted in his room. The former of these was well known for his strong attachment to the Church of Rome, combined with an unwavering and hereditary allegiance to the Crown of England; the latter for his devotion to the interests of King James, both whilst on the Throne and in exile.

The Questions, when propounded by the Lords Lieutenant, met, as a rule, with no success; neither were the King's Agents' Reports more favourable. Their secret Returns went to prove the discontented and hostile views of the several constituencies to the abrogation of these laws, and in comparing those from Sussex with the Returns of other counties, the Answers of the Magistrates were especially negative, and testify plainly, by their language and uniformity of wording, to pre-concerted action among them. In this state of feeling of the country, there remained apparently but one remedy to the King—still bent upon the expediency of calling together a Parliament of his own electing, for he had prorogued his last indefinitely as not amenable to his purposes—namely, that of annulling the charters of the different Corporations, and replacing the Deputy Lieutenants and Magistracy from among the Roman Catholic and Dissenting community, favourable to his views.

In these arbitrary and unconstitutional proceedings, there is a

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\* See List of Lords Lieutenant, p. 14.

remarkable similarity between the acts and resolutions of James II. and his predecessor Queen Mary. Both had in view the abolition of the Reformed Religion, with all laws made in support of the Protestant Faith ; the last by power of the ecclesiastical supremacy which she had inherited from Henry VIII., her father, but afterwards made over to the Pope ; the former solely by virtue of his Royal Prerogative. It was evident to them both, that the repeal of these laws constitutionally, could only take place by Act of Parliament ; but as there was small likelihood of any Parliament concurring in these measures, as constituted on the accession of these two Sovereigns, the elective element was operated upon by each of them, in order to influence the constituencies, and procure returns favourable to their object.

The circular Questions thus propounded by James II., at that epoch of our history, or rather the Answers of the several Deputy Lieutenants and Magistrates thereto, touching the abrogation of the Penal Laws and Test Act, are embodied, together with the secret and confidential Returns of the King's Agents, in one of the Rawlinson MSS. in the Bodleian, and afford very valuable evidence of the real feeling of the country at that critical juncture of our religious liberties, carried out as the measure was in every part of England and Wales. These latter Reports are apparently wanting for Sussex, so that the Answers handed in by the Magistrates of the county on that occasion are alone available for our purpose. The Memorandum, however, which is given in conclusion of this paper, will shew the nature of the Instructions given to the King's Agents to influence the electors.

It is a remarkable fact, taken in close connection with this attempted abrogation of these statutes, that the identical step of eliciting information and canvassing opinion, was taken by the King with the officers and soldiers of his army ; indeed, one which seems scarcely possible or even credible in these days. The first (and only) regiment on which the experiment was tried,

signally, not to say ludicrously, failed, for officers and men being called upon to engage to the utmost of their power to procure the repeal of the Penal Laws and Test, and being commanded, in the event of their not complying with the King's proposition, to lay down their arms, the WHOLE regiment, with the exception of two Roman Catholic captains and some few soldiers of the same persuasion, obeyed the order and grounded their arms,—James II. himself being present at the time. The regiment in question was the one then known as the "Earl of Lichfield's."

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### The King's Instructions.

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The Questions propounded by order of James II. to the Deputy Lieutenants and Justices of the Peace by Francis, Viscount Montague,\* Lord Lieutenant of the county of Sussex, in succession to Charles, Earl of Dorset and Middlesex,† who declined to put the same :—

1. If in case hee shall be chosen Knight of the Shire, or Burgess of a towne, when the King shall think fitt to call a Parliament, Whether hee will bee for taking off the Penal Laws and the Tests.
  2. Whether hee will assist and contribute to the Election of such members, as shall be for taking off the Penal Laws and Tests.
  3. Whether hee will support the King's Declaration for Liberty of Conscience, by living friendly with those of all persuasions, as subjects of the same Prince, and good Christians ought to do.
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\* Francis Browne, 4th Viscount Montague of Cowdray and Midhurst. (See *postea.*)

† Charles Sackville, Earl of Dorset and Middlesex, had been Lord Lieutenant of the county since 1677 (2 Charles II.), but on his refusing to put the Questions propounded by James II., was removed from the Lieutenancy. On the accession of William of Orange [1 William and Mary], he was constituted Lord Lieutenant and Custos Rotulorum of the county, and retained the office to within two years of his death in 1705 [3 Queen Anne]. (See List of Lords Lieutenant, p. 14.)

### Answers.

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**His Maiesties Questions proposed to the severall Deputy Lieutenants and Justices of the Peace of the County of Sussex, answered as followeth :—**

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#### CHICHESTER RAPE.

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##### SIR WILLIAM MORLEY KNT OF THE BATH.\*

Answers to y<sup>e</sup> first question : I shall ever keep my loyalty in voting; but am doubtfull what lawes I shall consent to repeale, till I heare the debates of the House.

To the Second Q.—I shall not assist to elect any person to serve in Parliam', but such as have ever been of known Royalty and Monarchicall principels.

To y<sup>e</sup> 3<sup>d</sup> Q. I consent.

##### THOMAS PALMER Esq.†

Answers to the first Question, that he will not be either Knight of the shire, or Burgess of a Towne.

As to the second Q., being unable to Ride Journeys, he shall not be p'sent at the choice of the Knights of y<sup>e</sup> Shire.

As to the third Q., he consents.

##### JOHN STUART Esq.

Answers to y<sup>e</sup> first Question, that provided the Church of England be first settled and secured in her just rights and service, as by Law now established, he shall not be against taking off the Penal Laws and Tests.

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\* Sir William Morley, of Halnaker, near Chichester, created a Knight of the Bath at the coronation of Charles II.; represented Midhurst in Parliament ; James II., and sat in the Convention Parliament of 1688-9 [Crown Office List]; having sat for the county in 1673. His father, (according to Le Neve, his grandfather), was Sir John Morley, Knight, of Halnaker. [S.A.C., V. 46; Berry Suss. Ped.]

† Possibly grandson (or great-grandson) of Sir Thomas Palmer of Parham. The above magistrate was presumably of Steyning.

To the second Q., if he can find a man of his principals (as all ready expressst), he will give his vote for his election.

To the third Q., he wholly consents.

**OLIVER WEEKES Esq.\***

Answers to y<sup>e</sup> first Question, that he is for takeing of no laws.

To y<sup>e</sup> second Q., That he shall be for the choosing no member of Parliam<sup>t</sup>, whose inclination shall be for takeing of the Penal Laws and Tests.

To the third Q. That he will live friendly and peaceably with all his neighbours of what persuasion soever, and will endeavour to serve his Ma<sup>ts</sup> to y<sup>e</sup> utmost of his Power.

**JOHN LEWKENOR Esq.†**

Answers to y<sup>e</sup> two first Questions, that he shall consent readily to the abrogating of the Penal Laws and Tests, provided that the Church of England may be secured by Act of Parliam<sup>t</sup> in her legal rights and possessions.

And to the last Q., he wholly consents.

**WILLIAM PECKHAM Esq.‡**

Answers to y<sup>e</sup> first Question, That provided the Church of England may be secured in her legall Rights and Possessions, he shall (if chosen a Member of Parliament), freely consent to y<sup>e</sup> takeing of all Tests and Penal laws, concerning Religion.

To y<sup>e</sup> second Q., that he shall be for y<sup>e</sup> choosing of such Parliam<sup>t</sup> men, as shall be for the takeing of both Penal Laws and Tests w<sup>th</sup> the above mentioned proviso.

To the third Q., he wholly consents.

\* This magistrate was probably ancestor of the family afterwards of Shoreham and Hurstpierpoint; one of whom Carew Weekes of Tortington, represented Arundel in 1702.

† John Lewknor of Westdeane, represented Midhurst i James II. 1685; and again in the Convention Parliament of 1688-9, for which place he appears to have sat till 1705. He was Knight of the Shire in 1679, and ob. 1706. He was son of Sir John Lewknor, K.B.

‡ To which precise branch of the Peckham family this magistrate belonged is not apparent. There can be no doubt that he was connected with the family, which at one time held Nyton in Aldingbourne. About the date of these events we find William Peckham of Laughton; and William Peckham of Rumboldswyke (or weeke), near Chichester; with which last we are inclined to identify the justice here named.

THOMAS BICKLEY ESQ<sup>R</sup>.\*

Answers to the two first questions, That provided the Church of England be secured in all her legall rights and possessions, he shall be for abrogating the penal laws and Tests against Recusants.

As to the third Q., he wholy consents.

THOMAS BRIGGS, DOCTOR OF LAW.<sup>E</sup>†

Answers as to y<sup>e</sup> first Question, He shall not sitt for Parliament Man.

As to y<sup>e</sup> second Q., he shall assist to y<sup>e</sup> Election of such member of Parliam<sup>t</sup> as may consent to the takeing of the Penal Lawes for not goeing to Church or Serveing God in other manner than according to y<sup>e</sup> Church of England out of the church, and not receiveing the Sacram<sup>t</sup>.

As to y<sup>e</sup> third Q., he shall desire to live friendly w<sup>th</sup> all persuasions.

GEORGE GUNTER ESQ<sup>R</sup>.‡

To the first Question, Answers, The Bent of my inclination is to serve his Maiesty in all things; But I must begg y<sup>e</sup> freedom of suspending my opinion of what I shall or shall not doe, supposing I should be a Member of Parliam<sup>t</sup>, inasmuch as my Yea and Nay there, would certainly follow the conviction of the p'sent debate had then upon my iudment and conscience.

To y<sup>e</sup> second Q., I shall always endeavour to chuse such Members to serve in Parliam<sup>t</sup>, as I shall iudge to be most likely to doe y<sup>e</sup> King and Kingdom y<sup>e</sup> best service.

To the third Q., I nott only will, but have & doe live neighbourly and friendly with my neighbours of a contrary persuasion..

\* This was probably Thomas Bickley, of Chidham, in Bosham.

† Thomas Briggs, Doctor of Law; was in 1671 Chancellor of the Bishop's (Consistory) Court, or Ecclesiastical Court before which about that time the Quakers were summoned. He purchased in 1687 Dumford Park, in the parishes of Trotton and Elsted.

‡ George Gunter, of Racton, was the son of the celebrated cavalier Colonel Gounter (or Gunter), who was instrumental to Charles II.'s escape from England at New Shoreham after the battle of Worcester, in October, 1651. [S. Sussex A. Coll. xxvii, 88.] George Gunter, the magistrate (as above), was born 1646, and married daughter of Richard Nicholl of Norbiton, in Surrey, and was M.P. for Chichester in 1685. He died 1718.

**ANTHONY KEMPE Esq.<sup>R.</sup>\***

Consents to all the three Questions.

**JOHN CARYLL Esq.<sup>R.</sup>† Absent.**

**HENRY ARRUNDELL Esq.<sup>R.</sup>**

Consents to all y<sup>e</sup> three Questions.

**RICHARD COTTON Esq.<sup>R.</sup> Absent.**

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### **ARRUNDELL RAPE.**

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**S<sup>r</sup> CECIL BISHOPP,; BAR<sup>T</sup>. Absent.**

**S<sup>r</sup> JOHN BRISKCOW,§ KN<sup>T</sup>.**

Answers as to y<sup>e</sup> first Question, that he cannot be positive in it, his resolution depending upon the debates in Parliam<sup>t</sup>.

As to y<sup>e</sup> second Q., that he will make choice of such a person for member of Parliam<sup>t</sup>, whom he shall believe to be for y<sup>e</sup> good, honour, and safety of the King and Kingdom.

As to y<sup>e</sup> third Q., he consents.

**WILLIAM WESTBROOKE Esq.<sup>R.</sup>||**

Answers to y<sup>e</sup> two first questions, that he shall consent readily to the

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\* Anthony Kempe of Slindon. This estate was granted in 2 Philip and Mary to Anthony, third son of Sir William Kempe of Ollantigh in Kent, Knight. [Rot. Pat. 2 Philip and Mary.]

† John Caryll of Harting and West Grinstead, was one of those who accompanied James II. into exile. He was Secretary to Mary of Modena, and well known as the friend of Pope, to whom he is recorded to have suggested the "Rape of the Lock." James II. conferred on him the titles of Baron Caryll and Earl of Dartford. According to Horsfield (Hist. Suss.), those among Pope's letters addressed to the "Honble. J. C.", are to this magistrate. Of this family was Sir John Caryll of Warnham, olim O'Carroll, Attorney-General to Henry VII.

‡ Sir Cecil Bisshopp, of Parham; ancestor of Lord Zouche of Harringworth.

§ Sir John Briscoe (or Briskcow) of Great Harrowden, county Northampton, Kn<sup>t</sup>, became possessed of Amberley in 1683. He married Anne daughter of Nicholas, Earl of Banbury, by the daughter of Mountjoy, Earl of Newport; and died in 1723.

|| William Westbrooke of Ferring, near Arundel, was M.P. for Arundel in 1685.

abrogating of the Penal laws, and Tests, provided that the Church of England may be secured by Act of Parliam<sup>t</sup> in her legal rights and possessions.

And as to the last Question, he wholly consents.

**JOHN APSLEY Esq.\***

Answers to y<sup>e</sup> first Question, That in case he should be chosen a member of Parliam<sup>t</sup>, his resolutions would wholly depend upon the debates therein, wherefore he cannot at p'sent give any positive resolution.

As to y<sup>e</sup> second Q., that he shall be for the choosing members of Parliam<sup>t</sup> of his own persuasion.

As to the third Q., he consents.

**S<sup>r</sup> WILLIAM GORING, BART.<sup>†</sup>**

Consents to all the three Questions.

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**BRAMBER RAPE.**

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**S<sup>r</sup> HENRY GORING, BART.<sup>‡</sup>**

As to the first Question he answers, that he cannot be positive in it, because he must suspend his Judgement till he heares (in case he be a parliam<sup>t</sup> man), the case argued in the house, upon w<sup>ch</sup> he may take his measures.

As to the second Q., that he knows no person of the Church of England, whom he can preferre as being for advancing what the King requires, and that he cannot give his assistance for the choosing of any other.

As to the third Q., he wholly consents unto it.

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\* In all likelihood a branch of the Apsleys of Pulborough.

† Sir W. Goring, of Burton. Descended from John de Goring, temp. Edward I.

‡ Sir Henry Goring of Highden (2nd Bart.), married Frances daughter of Sir Thomas Bisshopp of Parham,

## JOHN ALFORD ESQ.\*

Answers, that he cannot be positive as to the first Question, but that he must respite his determination till he heares the debates in Parliam<sup>t</sup>, in case he be a member thereof, looking upon Penal laws as in force till they should come to be repealed.

As to y<sup>e</sup> second Q., that he knows no person of the Church of England whom he can preferre as being for advancing what the King requires, and that he cannot give his assistance for the choosing of any other.

And as for the third Q., he wholy consents unto it.

## ANTHONY EVERSFIELD.†

Answers, I must remayne doubtfull untill I have considered of y<sup>e</sup> debates in the next Parliam<sup>t</sup>, the most proper place to decide this question. I can give no positive answer to any of the three Questions.

## JOHN MONKE, ESQ.‡

Answers, that at present, he is against the taking of the Penal Laws & Tests.

To y<sup>e</sup> second Q., that he shall be for choosing members of Parliam<sup>t</sup> of the Church of England.

To y<sup>e</sup> third Q., that he shall live peaceably with all his neighbours of what persuasion soever.

## HENRY BISSHOPP ESQ.¶

My Answer to y<sup>e</sup> 1<sup>st</sup> Question propounded to me is this, that by reason of my extream Age I am unable for Knight of y<sup>e</sup> Shire, or to be Burgess of any Town, when y<sup>e</sup> King shall think fit to call a Parliam<sup>t</sup>.

My Answer to y<sup>e</sup> 2<sup>d</sup> Question is, that upon y<sup>e</sup> account of my many Infirmityes & Weaknesses of body, I am not in any capacity to assist or contribute to y<sup>e</sup> Election of any member to serve in Parliam<sup>t</sup>.

\* John Alford sat in the Convention Parliament of 1688-9. [C. O. List.] The Alfords held Offington, near Worthing, from temp. Elizabeth to 1726. John Alford had the manor of Hamsey in 1674. We identify this justice with John, son of William Alford, and nephew to John, who married daughter of Sir Thomas Bishop of Parham. [S.A.C. xvii., 82; Berry Suss. Gen., p. 302; Roy. Com. Papers ii., 310.]

† Anthony Eversfield was M.P. for Horsham both in 1685 and 1688-9. [C. O. List.]

‡ John Monke was M.P. for New Shoreham in the Convention Parliament of 1688-9. [C. O. List.]

My Answer to y<sup>e</sup> 3<sup>d</sup> Question is, that as I have in y<sup>e</sup> past part of my life (whiles natural ability of Body remained), ever evidenc'd a mind ready to serve my King, and appeared in Arms in defence of y<sup>e</sup> Royal Cause, according to my Duty, soe shall I for the remaining part of my life endeavour to render y<sup>e</sup> best services that I can to his Maiesty, as far as y<sup>e</sup> Laws of God will allow, & live friendly with all my neighbours according to y<sup>e</sup> rules of Christianity.

JOHN MACHELL ESQ.\*

Answers, that as to y<sup>e</sup> first and second Questions, he is very willing to consent unto them, provided his religion & property may be secured.

As to y<sup>e</sup> third Q., he wholy consents.

S<sup>r</sup> JOHN SHELLY BART.†

Consents to all y<sup>e</sup> three Questions.

RICHARD CARYLL ESQ.‡

Consents to all y<sup>e</sup> three Questions.

### LEWES RAPE.

S<sup>r</sup> JAMES MORTON KN<sup>T</sup>.§

Answers to y<sup>e</sup> first and second Questions, that the Test and Penal

\* Was M.P. for Horsham in 1680 and 1685; sat also in the Convention Parliament of 1688-9 for the same borough, and continued to represent it up to 1698. In 1660 John Machell, the above magistrate, was one of the intended "Knights of the Royal Oak," and his estate in Sussex was valued at £1000 per annum. He was of the same family as the Machells of Crackenthorpe, in Westmorland, a branch of which had been settled in Sussex from temp. 2 Mary at Hills (Hill Place) near Horsham. His daughter married Arthur Ingram, 3rd Viscount Irvine in Scotland.

† Sir John Shelley of Michelgrove in the parish of Clapham, 3rd Baronet. His first wife was Lady Bridget Nevill, daughter of George, 9th Lord Abergavenny; and married as his second wife Mary, daughter and heir of Sir John Gage of Firle. The first Baronet married Jane, sister of Sir George, and grand-aunt of Sir John Reresby of Thrybergh in Yorkshire, whose name is of frequent occurrence in respect of the corresponding questions propounded at that time to the Yorkshire magistrates by James II.

‡ This justice seems to be Richard Caryll, created Baron Caryll by James II. at St. Germains, and son of John Caryll, heavily fined by the Commissioners of Sequestration in 1643.

§ Sir James Morton sat for Steyning in 1680; and again in 1688-9. [C. O. List.] He was son of the Judge of that name, and knighted at Whitehall in 1671 (Le Neve).

Laws being a security established by Law for the Protestant Religion, which by Oathes taken he has promised to maintaine, he can in no ways consent to the abrogating of them, or electing any member of Parliam<sup>t</sup> for so doing.

To ye third Q., he consents.

**PETER COURTHOPE Esq.<sup>R</sup>.**\*

Answers to ye first Question, that he at p'sent does not thinke it safe for ye government, eyther in Church or State, to consent to ye abrogating all the penal laws and Tests, & in-consistent with ye Oathes he has already taken.

To ye second Q., that he shall be for ye electing such members of Parliam<sup>t</sup>, as shall be of his opinion declared in the first Question.

To ye third Q., that he does and will submit, as far as by law he may, or ought to doe.

**WILLIAM BOARD, Esq.<sup>R</sup>.**†

Answers to ye first Question, that if elected a Parliament-man, he shall not be for taking of the Test and Penal Laws.

To ye second Q., that he shall not be for ye electing of any, who shall doe otherwise, than he would doe.

To ye third Q., he consents.

**THOMAS BEARD Esq.<sup>R</sup>.**‡

Answers to ye first Question, that he is not for taking of the Tests, but for mitigating the Penal Laws.

To ye second Q., that he is for ye electing those, that shall act as he would doe.

To ye third Q., that as he has never been a law-maker, soe shall he

\* Peter Courthope Esqr of Cranbrook, in Kent, became the owner of Danny in 1652, together with the manors of Hurstpierpoint and Horndean. He was grandfather of the justice here named, who died in 1724 [S.A.C. XI, 69], having married Philadelphia, daughter of Sir John Stapley Bart., of Patcham; and was Sheriff of Sussex in 1631 [Berry Suss. Gen.]

† Was of Board Hill, Cuckfield; ob. 1697 [Berry MS. Gen]. The name seems to be written at different times Borde, Board or Board. The family was of Cuckfield and Lindfield up to 1737.

‡ Belonged to the family of the Beards, formerly of Cowfold and Edburton; an old Sussex family, many of whom are buried at Hurstpierpoint. According to Berry [Sussex Gen.], he was son of Ralph Beard of Hurstpierpoint; and died 1705.

not be a law-breaker, but shall always demean himself peaceably and quietly, as becomes a good subject to his Prince.

**NIZELL RIVERS, Esq.<sup>\*</sup>.**

Answers to y<sup>e</sup> two first Questions, that he dissents from the taking away the Tests and Penal Laws, or the giving his vote for any, that shall do otherwise.

As to y<sup>e</sup> the third Question, that he shall live quietly & peaceably with men of all persuasions.

**RICHARD BRIDGER Esq.<sup>†</sup>**

Answers, that he can give no positive Answer to y<sup>e</sup> first Question till he hears the debates in Parliam<sup>t</sup>.

To y<sup>e</sup> second Q., that he shall give his vote for y<sup>e</sup> elections of Members of Parliam<sup>t</sup> of a known loyalty.

To y<sup>e</sup> third Q., that he will live quietly with all sorts of persons, if he be suffered soe to doe.

**ANTHONY SPRINGETT Esq.<sup>‡</sup>; Absent.**

**GEORGE GORING, Esq.<sup>‡</sup>.**

Answers to y<sup>e</sup> first Question, that he cannot be for taking of the Penal laws & Tests.

To y<sup>e</sup> second Q., that he shall be for ye choosing of members of Parliam<sup>t</sup> of a known loyalty.

To y<sup>e</sup> 3d Q., he consents.

**JOHN SMITH, Esq. Absent.**

\* Nizell (Nisell, or Nigel), Rivers of Offham, was the son of Sir John Rivers of Hamsey and Chafford, Bart. His elder brother, who was M.P. for Lewes 15 C I died in *vitæ patris*, leaving a son Thomas, who succeeded to the title. He seems to have been an active magistrate, and often associated in proceedings against the Quakers at Lewes in 1660 and 1675, with the magistrate next following, Richard Bridger of Coombe. He died in 1694 [S.A.C. XVII, 88.]

† Richard Bridger of Coombe Place, near Lewes Esq.; was M.P. for that borough in 1685; and again in 1688-9 [C.O. List.] He was a justice of the peace for the Rape of Lewes, and often concerned in proceedings against the Quakers at that time. He was colonel of the Sussex Militia [S.A.C. XVII, 89], and ancestor of the present Rev<sup>d</sup>. Sir George Shiffner Bart of Coombe.

‡ Apparently of Plumpton; and grandson of Sir Thomas Springett of Broyle Place, in Ringmer [Berry Sussex Gen.]

## PEVENSEY RAPE.

**S<sup>r</sup> JOHN PELHAM, BART.\***

Answers to ye first Question, that if he should be chosen to serve in Parliam<sup>t</sup> either as Knight of ye Shire, or Burgess for a Towne, he sees noe reason at p'sent for ye taking of ye Penal Laws and Tests.

As to ye Second Q., that he shall contribute to ye electing such for members of Parliam<sup>t</sup>, whom he shall thinke to be loyall persons & fitt to serve the King & theyre countrey.

To ye third Q., that he will live friendly with men of all persuasions, as subjects of ye same Prince, & good Christians ought to doe.

**S<sup>r</sup> JOHN STAPELEY KNT & BART.<sup>t</sup> Absent.**

**S<sup>r</sup> WILLIAM THOMAS BART.<sup>t</sup>**

Answers to the first question, that he cannot be for ye taking of the Penal Laws and Tests.

As to ye second Q., that he shall be for choosing persons of a known loyalty and integrity.

As to ye third Q., he consents.

**S<sup>r</sup> THOMAS DYKE BART.<sup>§</sup> Absent.**

**S<sup>r</sup> EDWARD SELWYN KNT.<sup>||</sup>**

Answers to ye first Question, that if he be chosen a Parliament man,

\* Sir John Pelham, third Bart, was M.P. for co. Sussex in 1660, 1678, 1679, 1688-9; and ob. 1702. His son, Sir Thomas, was raised to the peerage as Baron Pelham of Laughton temp. Queen Anne, and was ancestor of the present Earl of Chichester.

† Sir John Stapley of Patcham; created Baronet 1660, notwithstanding that his father Anthony had been one of the regicides. He was born in 1628, and ob. 1701, having married Mary, daughter of Sir Herbert Springett of Broyle Place, Ringmer.

‡ Sir William Thomas of Westdean and Folkington; o.s.p. 1706; was M.P. for county of Sussex in 1689.

§ Sir Thomas Dyke, 1st Bart. of Horeham in Waldron parish; M.P. for county of Sussex in 1685; and sat for East Grinstead in the Convention Parliament of 1688-9.

|| Sir E. Selwyn of Friston Place near Eastbourne; was returned for Seaford in 1685; was knighted in 1623, and high sheriff the same year. His father Francis Selwyn of Friston, married daughter of Sir George Shirley of Ifield, and he was son of Edward Selwyn of Bechington in Sussex. (Harl. MS. 5802, f. 1.) In Friston Church is a monument to his memory.

and that y<sup>e</sup> King does persist in giving liberty of conscience, provided his Ma<sup>tie</sup> does give security for maintaining the Church of England, he shall not be against taking of the Penal Laws & Tests.

To y<sup>e</sup> second Q., that he shall never oppose the choice of any Member of Parliam<sup>t</sup>, that shall be for y<sup>e</sup> taking of y<sup>e</sup> Penal Laws & Tests, during this King's reign.

To the third Q., he consents.

#### ALEXANDER STAPLES Esq<sup>R</sup>.

Answers to y<sup>e</sup> first Question, that if His Ma<sup>tie</sup> thinks it fit for y<sup>e</sup> main-  
tenance of his royll Prerogative, Government, & the Peace of his King-  
dome, he shall consent to a free liberty of conscience.

To y<sup>e</sup> second Q., that he shall assent to y<sup>e</sup> election of such Members  
of Parliam<sup>t</sup>, as shall be trewley loyall, and gratefull to His Ma<sup>tie</sup>.

To y<sup>e</sup> third Q., he consents.

#### JOHN BAKER Esq<sup>R</sup>.\*

Answers to y<sup>e</sup> first Question, that if chosen a Parliament man, and  
shall be convinced that y<sup>e</sup> King's equivalent proposed for the security  
of the Protestant Religion may be sufficient, he shall consent to the  
taking of the penal Laws & Tests.

As to y<sup>e</sup> second Q., that he shall endeavour to choose men of known  
loyalty.

To y<sup>e</sup> third Q., he consents.

#### GEORGE NEVIL Esq<sup>R</sup>.

Answers, that he dissents to y<sup>e</sup> two first Questions.

And as to y<sup>e</sup> 3<sup>d</sup> Q., he assents.

#### HUMPHRY FOWLE, Esq<sup>R</sup>.†

Answers, that he dissents to y<sup>e</sup> two first Questions.

As to y<sup>e</sup> third Q., he consents.

\* Of Mayfield Place.

† The arms of Humphrey Fowle, of Rotherfield were:—Gules, a lion passant  
guardant between 3 roses or. The family appears to have been of Riverhall, in Frant,  
adjoining Rotherfield.

S<sup>r</sup> JOHN GAGE BART.\*

Consents to all the three Questions.

RICHARD BIDDULPH, Esq<sup>r</sup>.† Absent.

### HASTINGS RAPE.

S<sup>r</sup> DENNY ASHBOURNEHAM BART.‡ Absent.

S<sup>r</sup> RICHARD MAY KNT.§

Consents to all y<sup>e</sup> three Questions.

ROGER SHOYSWELL Esq<sup>r</sup>.||

Answers to y<sup>e</sup> first Question, that he does not doubt, but that y<sup>e</sup> King will make good his declaration, and therefore that he shall be (if elected to serve in Parliam<sup>t</sup>), for taking of Penal Laws & Tests.

And to y<sup>e</sup> second Q., he shall be for y<sup>e</sup> choosing members of Parliam<sup>t</sup> that shall doe y<sup>e</sup> same.

To y<sup>e</sup> third Q., he consents.

THOMAS FREWEN Esq<sup>r</sup>.\*\*

Answers to y<sup>e</sup> first Question, that he cannot be for taking of y<sup>e</sup> Penal Laws, & the Tests.

\* Ancestor of the present Viscount Gage.

† The same, probably, who married Anne, daughter and eventual heir of Sir Henry Goring of Burton, Bart.; and was ancestor of the Biddulphs of Burton.

‡ Sir Denny Ashburnham was M.P. for Hastings in 1661, and created a Baronet the same year; ancestor of the present Sir Anchitel Ashburnham of Broomham. He was the last member returned for Hastings on the nomination of the Lord Warden of the Cinque Ports, who happened to be James II. himself in 1685, having retained the office in his own hands. [S. A. C. XIV, 101\*]. His name occurs in the Commission of the Lieutenancy of London. [S.p. 8.]

§ Sir Richard May was Recorder of Chichester; and M.P. for that place in 1685. [C. O. List.] He had been knighted in 1681, and according to P. Le Neve was of Pashley (in Ticehurst), and in descent from Richard May of \_\_\_\_\_ in Kent, temp. Edward IV. He was Cursitor Baron of the Exchequer temp. Charles II. and James II., and was living A.D. 1700. [Harl. MS. 5801, f. 147.]

|| One of the last of the family who held Shoyswell, in Etchingham, from whence the name was derived. John de Shoyswell held it prior to Edward I. The family coat was:—Or, on a bend sable, 3 horse shoes ar [Hore. Suss.]

\*\* Of Brickwall, Northiam. He was M.P. for Rye in 1678 and 1685. The monumental inscription in Northiam Church to Thomas Frewen, who died 1702, is commemorative of him.

As to y<sup>e</sup> 2<sup>d</sup> Q., that he cannot be for taking of y<sup>e</sup> Penal Laws & Tests.  
And to y<sup>e</sup> third Q., he consents.

**JOHN BUSBRIDGE Esq.<sup>a</sup>\***

Answers to y<sup>e</sup> first two Questions, that he dissents ;  
To y<sup>e</sup> 3<sup>d</sup> Q. he assents.

**EDWARD DYNE Esq.<sup>b</sup>†**

Answers to y<sup>e</sup> two first Questions, that he shall be for abrogating the  
Penal Laws & Tests, provided the Church of England may be secured  
in her legal rights and possessions.

To y<sup>e</sup> 3<sup>d</sup> Q., he consents.

**HENRY APSLEY Esq.<sup>c</sup>‡**

Answers to the first two Questions, that he shall not be for taking of  
the Penal laws & Tests, nor for choosing members of Parliam<sup>t</sup> that shall  
so doe.

To y<sup>e</sup> third Q., he consents.

**S<sup>r</sup> NICHOLAS PELHAM KN<sup>t</sup>.§**

Answers to y<sup>e</sup> first question, that he is not for abrogating the Penal  
Laws and Tests.

As to y<sup>e</sup> 2<sup>d</sup> Q., that he will contribute to y<sup>e</sup> choosing of such for

\* In Sussex Visitation, 1634, John Busbridge, possibly father of the magistrate here named, held Haremare. This place, in Etchingham Parish, was the seat of the ancient Kentish family of Busbridge.

† Was of the family of Dyne, of Westfield and Lankhurst. Edward Dyne, probably son (or nephew) of this magistrate, was one of the Cinque Port Barons chosen for Hastings at the coronation of George II. [S.A.C. XV, 201.]

‡ This justice would seem to have been Henry Apsley, of Ticehurst, in the hundred of Shoywell, Hastings Rape, whose death occurred 1692, æt, 42. [Hors. Hist. Suss.]

§ Sir Nicholas Pelham, of Lewes in Sussex, and Brocklesby co. Lincoln, Knight, represented the county of Sussex in 1679; and sat for Seaford in 1688-9. He was knighted in 1661, and married daughter and heir of James Uxley of Dernford? Oxon. (Le Neve; Harl. MS. 5801, f. 47). Another (or possibly the same) Sir Nicholas was returned for Lewes borough in 1702. He unsuccessfully contested Seaford in 1685, but was returned for the Convention Parliament of 1688-9, on the accession of William III. With regard to his non-election for Seaford in the above year, it appears from "Memorials of Seaford" [S.A.C. VII, 109], that on his coming to the throne, James II., "recommended by his letter" Sir Edward Selwyn to the Corporation of that borough, who was thereupon returned with Sir W. Thomas, of Westdean, in opposition to Sir Nicholas Pelham.

Members of Parliam<sup>t</sup> as he shall thinke loyall, and dewly qualifyed to serve the King, & theyre countrey.

To y<sup>e</sup> third Q., that he will live friendly and quietly with men of all persuasions, as subjects of the same Prince, and good Christians ought to doe.

JOHN ASHBURNHAM Esq<sup>r</sup>.\* Absent.

(Endorsed),

Returne of Sussex  
May, 1688.

The names of such as are nominated to be Deputy Lieutenants in y<sup>e</sup> warrant sent down.

|                                                                                                                                                                                                                                                                                 |             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Sr John ffagg of Wiston,<br>Sr Richard Shirley,<br>Sr Robert Parker,<br>Sr John Gage,<br>Sr John Shelley,<br>Sr William Goring,<br>William Garraway ( <i>Garway</i> ) of                                                                                                        | fford Esqr† |
| Sr Cecyl Bishop,<br>John Spence of Mawling ( <i>Malling</i> ) Esqr,<br>Henry Gage of Bently, Esqr,<br>William Darrell of Scotney, Esqr,<br>Richard Caryll Esqr,<br>John Smith Esqr,<br>John Lewkenor ( <i>Lewknor of West Dean</i> ), Esqr,<br>Anthony Kempe Esq, (of Slyndon.) |             |

The names of such as are to be added and inserted in the new warrant to be made for the Deputy Lieutenants of Sussex.

|                                                                                                      |  |
|------------------------------------------------------------------------------------------------------|--|
| Sr William Morley,<br>Sr John Stapeley ( <i>Stapley, of Patcham</i> ,<br>olim of <i>Framfield</i> ), |  |
| John Alford, Esqr<br>Sr Edward Selwyn (of <i>Friston</i> ),<br>Richard Cotton Esqr                   |  |

\* M.P. for Hastings from 1679—1688-9 [C.O. List].

† M.P. for Arundel in 1678, 1679, 1680, and 1685; and sat in the Convention Parliament of 1688-9 [C.O. List]. In 1662 was a gentleman of the Privy Chamber to Charles II. [Dallaway]; ob. 1701.

I humbly propose the persons above named to be Deputy Lieutenants for the County of Sussex,

June 22nd, 1688.

(Signed),

MONTAIGU.

[Rawl. MS. A., 139a, ff 244-253, Bibl. Bodl.]

|         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sussex. | { Sr John Fagg of Wiston,*<br>  Sr Richard Shirley,†<br>  Sr Robert Parker,:<br>  Sr John Stapley,<br>  Wm Garoway ( <i>sic</i> ) of Ford, Esq <sup>r</sup> .<br>  John Spence of Mawling ( <i>sic</i> ) §<br>  Henry Gage of Bentley, Esq <sup>r</sup> .  <br>  Wm. Darrell of Scotney, Esq <sup>r</sup> .**<br>  John Smith of Crabitts ( <i>Crabett</i> ), Esq <sup>r</sup> .††<br>  John Braman,‡‡<br>  John Peche                  } of Chichester, Esqr.<br>  Richard Farrington§§<br>  John Cook of Petworth, |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

\* Sir John Fagg of Wiston Bart.; M.P. for Steyning in 1685, 1688-9, 1695, and 12 William III. 1700, when he died. He bought Wiston of Sir Thomas Shirley, and was created a Baronet in 1660. He was twice married. The arms of Fagg were: Gules, two bends vair.

† Sir Richard Shirley of Preston, 2nd Bart.; created 1665; extinct 1705.

‡ Sir Robert Parker of Ratton; created a baronet in 1674; M.P. for Hastings in 1679; title became extinct in 1750. His ancestor Geoffrey Parker of Bexley flourished temp. Edward I.

§ John Spence of Malling House, near Lewes, succeeded his brother, William, in 1677; and ob. 1691. In 1835 Malling House was the property of Henry Hume Spence [Hors. Hist. Lewes.]

|| Bentley, in Framfield, was formerly the residence of a junior branch of the Gage family [Horsfield].

\*\* Scotney was in the Darrell family for many generations down to 1774.

†† Crabbett Park, in Worth, was once the residence of a branch of the Smiths of Warwick.

‡‡ John Braman of Chichester, was M.P. for that borough in 1678, 1679, 1680-1 [C. O. List.]

§§ Created Sir Richard Farrington, Bart. Was M.P. for Chichester in 1680, and again in 1698.

||| Was M.P. for Arundel in 1689; and again in 1698: [Commons Journals.]

John Lee (*Leigh*), of Plaistow,\*  
 John Gratewake (*Gratwiche*), of Shermanbury,  
 John Mitchell of Fillplace (*sic*), (*Michell of Field Place*)  
     in Warnham p'ish,  
 John Haise of Stansted,  
 John Newman of Merrifield,†  
 Wm. Blaker of Buckingham,‡  
 Thomas Ellis of Steyning,  
     — Westerne of Battle,§  
 Henry Plummer of Wellington (*Willingdon?*),  
 Joseph Studley of Linfeild,||  
     — Bates of Dentworth (*Denton*),  
 Henry Bulstrode of Newgrove (*in Petworth Parish*).  
 Phillip Carryl, dead (*sic*)  
 Rob<sup>t</sup> ffagg,\*\*  
 Richard Banks Esqr,  
 Richard Cary Esqr,  
 John Shewman,  
 John Marlot (or *Marlott*) of Chichester,  
     — Hiland of Bodiam,††  
 John Chaliner (*sic*) (*Chaloner*) of Linfeild,‡‡

\* John Lee (or Leigh) of Plaistow, in Kirdford, married Elizabeth daughter of Thomas Shirley of Preston as his first wife; secondly daughter of George Scot of county Kent [Berry Suss. Gen.]

† Quere, Newnham of Maresfield ?

‡ Blaker, of Buckingham House, Old Shoreham. The family of Blaker continued to reside in the neighbouring parish of Portslade for upwards of two centuries, according to Horsfield. This proposed justice was son of Edward Blaker of Portslade, and died in 1703, and was buried at Old Shoreham. [Berry MS. Gen., p. 86.]

§ In 1699 Thomas Western is named in a list of benefactors to Battle Workhouse. [Hors. Suss.]

|| This proposed justice may be son of Joseph Studley who in 1657 was of Steyning, and concerned in committing a Quaker to prison that year [S. A. C. XVI. 76]; or he may be affiliated to Nathaniel Studley, another magistrate sitting at Lewes in 1659.

\*\* Succeeded to the Baronetcy in 1700 on the death of Sir John Fagg; and to his seat at Steyning in Parliament in 1701; his election the previous year having been declared void. He married 1671, daughter of Benjamin Culpeper of Lindfield, and ob. 1715.

†† In Bodiam Church is a monument to Nathaniel Hiland, in 1694, and others of that name.

‡‡ The name is found also as Challener. The family residence was Kenwards, in Lindfield. Major Chaloner is well known as one of Cromwell's justices of the peace.

— Clown of Ffrogfoile (*sic*)<sup>\*</sup>  
 — Baker of Mayfield,<sup>†</sup>  
 — Barton of Helenley<sup>‡</sup>  
 Robert Fielding Esq<sup>rs</sup>.

The names of such as are to be added & put in the Commission for  
 Justice of Peace in the county of Sussex.

S<sup>r</sup> William Morley, Knight of the Bath,  
 John Alford Esq<sup>r</sup>,  
 William Westbrooke Esq<sup>r</sup>.  
 John Lewkenor Esq<sup>r</sup>.  
 Thomas Bickley Esq<sup>r</sup>.  
 Captayne William Peckham,<sup>§</sup>  
 John Steward Esq<sup>r</sup>.<sup>||</sup>  
 John Machell Esq<sup>r</sup>.  
 S<sup>r</sup> Edward Selwyn Kn<sup>t</sup>  
 Thomas Briggs, Doctor at Lawe,  
 Alexander Staples Esq<sup>r</sup>  
 John Baker Esq<sup>r</sup> (*of Mayfield Place*).  
 S<sup>r</sup> Richard May Kn<sup>t</sup>  
 Roger Choysewell (*Shoyswell*), Esq<sup>r</sup>  
 Edward Dyne, Esq<sup>r</sup>.  
 Richard Cotton, Esq<sup>r</sup>.  
 S<sup>r</sup> William Goring, Baron<sup>t</sup>  
 Anthony Kempe, Esq<sup>r</sup>  
 Richard Caryll, Esq<sup>r</sup>  
 Henry Arrundell, Esq<sup>r</sup>  
 Richard Bidolph (*Biddulph*), Esq<sup>r</sup>  
 John Apsley Esq<sup>r</sup>  
 S<sup>r</sup> John Gage,  
 S<sup>r</sup> John Shelley,  
 S<sup>r</sup> Cecyl Bishop.

\* Chowne of Place House, near Frog Firle, in Alfriston. Probably Thomas Chowne, M.P. for Rye in 1701, grandson of Thomas Chowne, who was one of the Sussex magistrates in 1632. The arms of Chowne were: Sable, three thatcher's hooks barwise ar. [Hors. Hist. Lewes, ii, 7.]

† Monumental inscription to the Baker family in Mayfield Church.

‡ Of Carter's Corner, Hellingly, in Dill.

§ See *antea*.

|| Was M.P. for Midhurst in 1661. [C. O. List.]

I humbly p'pose the names of the persons above mentioned to be put into the Commission for the Justice of Peace in Sussex.

(Signed),

MONTAIGU.\*

\* Francis Browne, 4th Viscount Montague, had replaced the Earl of Dorset and Middlesex as Lord Lieutenant of Sussex, on the latter declining to put James II's Questions to the magistrates of the county. It would not appear that his appointment as such had been hitherto noted, as a matter of history, and therefore it is satisfactory to be able to record it from the proper Government Depart<sup>t</sup>. In fact the Lords Lieutenant substituted by James II. had so short a tenure of office, that this is scarcely a matter of much surprise. [See Official List of Lords Lieutenant during James II. reign, in which he is associated with William, 1st Marquis of Powys.] The above signature is, however (independent of other testimony), quite corroborative of the fact, for it is somewhat remarkable that he alone of all other Viscounts of his name so signed himself. From different letters, ranging from the first to the last Viscount, who was drowned in 1793 at Laufenburg on the Rhine, we find that the spelling "Montague," was uniformly adopted by all, save by the Viscount in question, who wrote his name invariably "Montaigu." This is mentioned by Sir S. Scott in an Article on "Old Papers found in a tower of Cowdray House." [S. A. C. XV, 79.] Like all other offices at that period, the Lieutenancies of counties were filled by Roman Catholics, and no man seemed more suitable for King James's purpose than Lord Montague of Cowdray, in a county which numbered more small boroughs than most English counties, with the exception of Cornwall and Wilts, that of Midhurst being one of them. Whilst he was of course selected for the post chiefly from his creed, it must not be overlooked that the family he represented was remarkable for its unwavering loyalty to the Crown, even when it happened, as in the reign of Queen Elizabeth, that their religious tenets differed. An instance of this occurred at the time of the threatened invasion of England by the Spanish Armada; the circumstances attending it are mentioned in S. A. C. VII, 181. The first Viscount Montague, Sir Anthony Browne, K.G., was so created by Queen Mary in 1554. The peer under notice succeeded in 1682, and died in 1708. He married Mary, widow of Richard, eldest son of Caryl, Viscount Molyneux, and daughter of William Herbert, first Marquis of Powys, (who died at St. Germain's in 1696). Of the father of this Lord Montague, whose estate was sequestered in 1643, it was said that he was a "known and professed Papist;" and of the parish of Midhurst (Cowdray), that it was "full of Papists and malignants" (S.A.C. XVIII, 106). That such was true of this place, may be assumed from much that may be quoted, dating from time immemorial. After the dethronement of James II., the Jacobites were constantly intriguing against the English Government from St. Germain's. The Historical Records Commission give us some of their intercepted letters in 1696. One of these shows the family of Cowdray were intermediary towards carrying on some of the secret correspondence of the party. It is from the above Lord Powys' servant, John Daniel, to Viscountess Montague, the Earl's daughter, begging that certain enclosed letters may be given to her brother (afterwards second Marquis of Powys). These letters bear fictitious names and signatures; Viscount Montgomery, the said brother of Lady Montague, being called Mr. Sibson; while the envelope giving cover to them, is actually impressed with the seal of Mary of Modena, James II.'s Queen. These letters (noticed in the *Athenaeum* of March, 1880) formed part of the papers of Mr. Ellis, Under Secretary of State from 1695 to 1705. A bequest in the will of a servant of Lord Montague's in 1634, has lately come to light, directing his executors "to pay £10 yearly to Mr. Drwrey and Mr. Lane of Riverparke for the maintenance of a good ma [priest] to [admi]nister the sacrament to the poore Catholiks of Midhurst, [wi]th obligation to say two masses every weeke for my soule [and] my lords

His Mat<sup>ies</sup> Questions p'posed to such of the Deputy Lieutenants & Justices of the Peace for the county of Sussex, as were absent there, answered as followeth :—

**JOHN ASHBURNHAM Esq.\***

Answers to the first That if he be chosen a member of Parliament, he shall give his Voyce concerning the Penall lawes and Tests upon the debate of the house, and according to his conscience ;

Answer 2<sup>d</sup>. That he shall be desirous to have such elected to be Members of Parliam<sup>t</sup>, as he takes to be honest and Loyall men, and such as have a true value of the King's person ;

Answer 3<sup>d</sup>, That he is desirous to live friendly with all his fellow subjects, as a good Christian ought to doe.

**S<sup>r</sup> CYCILL BISHOP KN<sup>r</sup> & BARON<sup>r</sup>.**

Consents to all the 3 questions.

**S<sup>r</sup> JOHN STAPELEY KN<sup>r</sup>.**

Consents to all the three questions.

**RICHARD COTTON Esq<sup>r</sup>.**

Consents to all the three questions.

**THOMAS SACKVILL† Esq<sup>r</sup>.**

Answers to the first Question, that he is for Liberty of Conscience, and therefore for taking away all Penall Lawes & Tests that are contrary to it ;

ancestors." This will was found a few years ago, in the chimney of an old house of Miss Othen in that place, when under repair. The testator, John Arismundy, had been arrested in 1633, on suspicion of treasonable correspondence with Catholics. [Historical MSS. Com. 1st and 3rd Report.]

\* See *antea*.

† Thomas Sackville was M.P. for East Grinstead in 1688-9; again in 2 Philip and Mary, 1692, when he died; (Crown Office List.) He was one of the Sackvilles of Selscombe (or Sedlescombe); a mural mon<sup>t</sup>. in that church commemorates his name.

Answer 2<sup>d</sup>, That he is for choosing such Members of Parliam<sup>t</sup>, as shall be for p'moting liberty of Conscience ;  
To the third he consents.

[Rawl. M.S., 139a, ff 245 sq. Bibl. Bodl.]

### **Secret Instructions to the King's Agents.\***

Memorandum for those that go into the Country to dispose the Corporations to a good Election for members of parliament.  
To be read by them often.

It's necessary you weigh well the difficulty of your work, and consider that you will meet with all manner of deceit and combination to frustrate your endeavours, the *Clergy*,† will engage the gentry, and both endeavour to render you unacceptable, and your works fruitless, if not top upon you false men under the semblance of real friends.

2. Consider the evil effects that will attend a miscarriage in this matter. 'Tis not only a frustration of the good expected, but ruinous to your own interest, & exposing you to contempt. You must expect that no weakness or inadvertency of yours in this work will pass unobserved, and the best of your actions misrepresented, and every failing magnified, & that hap'ly to the K, or some of his Ministers, which therefore calls for the highest care and circumspection.

4. You have as full an account of the Persons and things for each Corporation and place, as hath hitherto been collected, which consider from time to time in the respective places as you come at them, and for your guidance in these places, find one or two of the best, prudentest and acceptablest person or persons, and engage them to your assistance, and know from them the temper and humour of the respective persons with whom you are to converse, and accordingly endeavour to suit your discourse to their temper and humour.

\* Among some uncalendered State Papers in the Record Office.

† The words in Italics are underlined in the original.

2 (sic). Take from place to place letters recommedatory, for the strengthening your int'rest and acceptance, get fitt and acceptable persons to accompany you to such gentlemen as you will have occasion to discourse, for you must expect to meet with discerning men, and men of great parts, and for that purpose be wary in your expressions and conversation, and be not too ready and open in discourse, till such persons become by their own declarations engaged.

5. 'Tis of very great importance to this service, that very good correspondents be settled in each town, to whom letters and papers to be dispersed may be sent, and who shall receive every post such prints and advices, as shall be fitt and proper for them, and in this you must consider that the persons, so to be engaged, must be right men, not only by inclination, but also men of prudence and int'rest (if possible.)

6. Where the Corporations do fix upon their Members, inform yourselves fully what probability there is of their Election, and what methods will be taken in order thereunto, and when you have fully satisfied yourselves, that such persons are right, and likely to answer the K's expectation, (in which by your Instructions you are not restrained to the persons named in your list, in case there be any exceptions to any of them, or fitter persons can be provided). If possibly you can, get the Electors to write Letters of Invitation to such their intended Members, that by subscription under their hands, their election may be ascertained, and where they shall be content to elect such as his Ma<sup>ss</sup> shall nominate or recommend, that they do in like manner express their desire, that such nomination and appointment be made in order to their election, in which all prudent care is to be had, and the leading persons of such Corporations to be consulted.

7. You are from time to time, to give an account of all occurrences that are material, and of all suggestions, books, and libels that are dispersed in prejudice of his Ma<sup>ss</sup> service.

8. You must be very careful to give a full and distinct account of all the proceedings every post, and therein an impartial account of the sentiments of the persons with whom you converse, their inclinations, and resolutions, and what expedients are necessary to render the Election certain; which account you are to give, from time to time, to *Robert Brent, Esq*: at his Chamber in the *Temple*.\* The respective Correspondents are in like manner to send their letters to him, and to follow

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\* See Worcestershire Returns *postea*.

such directions as from time to time they shall receive from him, or Mr *Edward Roberts*, to whom they may write, directing their letters to Mr *Brent's* Chamber; but not to give an account of your proceedings to any other person whatever.

9. You are likewise to consider the Correspondents in each Corporation, whether they are fitt and proper, and if not, that others more fitt and proper be named, as also to inquire whether the Correspondents do disperse the books and papers according to the directions sent them; and particularly whether they are exposed in coffee-houses, and houses of publick entertainment, for the information of the country, that in case they be defective therein, it may be rectified.

10. You are to send for the persons in the respective counties underwritten, & to desire their help and assistance, in managing the trust committed to you, and to engage them and their Correspondents, that are in the respective Corporations, to manage such matters and things, as upon debate you shall find requisite to promote this service, for inclining and disposing men to elect persons you shall agree upon, and engage them in your absence to keep a constant correspondence with Mr. *Brent* or Mr. *Roberts*, that such advice may be sent from time to time as may be proper.

11. You are also to consider what employments such Correspondents are capable of, that are in the K.'s disposal, to the end they may be recommended to such employments, as may compensate for the service they have done, or shall do.

12. You are likewise to inspect the present state of each Corporation, with respect to the Magistrates in being, whether there be any in, that are not fitt and proper, or whether any are omitted to be put into the Government, which if placed therein, may be useful and serviceable for promoting and securing good Elections, as also any other methods and expedients that have a tendency thereunto.

13. You are likewise to consider what Mayors and Sheriffs in being are active in his Ma<sup>ts</sup> service, and to be depended upon, and which of them are fitt to be removed before the Election, either in order to their being chosen to serve in Parliament, or to promote the Election of others, and to engage the Sheriffs to attend in person at the Election, not only in the Counties, but in each respective Corporation, and to take care of the Returns, and also to give an account of the inclination and behaviour of the respective Town Clerks, Clerks of the Peace, and Sub-Sheriffs, whose places render them capable of his Ma<sup>ts</sup> service, in case they be right, but otherwise dangerous and prejudicial thereunto.

14. Inform yourselves what Members each Corporation intend to choose, & if they are contrary to his Ma<sup>ties</sup> int'rest, and you find the Corporation resolved upon them out of prejudice, consider then how to give a diversion to their intentions, by seeming to promote such persons Election, which they observing may create an aversion to them, and dispose them to elect others, which they are inclyned to, as suspecting those they before designed, to have privately warpt to the K's interest, and thereby room will be made for the electing such as are right.

Persons proposed as Assistants to those that go into the Country, for

|         |                      |                |       |                                              |
|---------|----------------------|----------------|-------|----------------------------------------------|
| Chester | <i>Sr Tho Stanly</i> | all of Chester | Salop | <i>Tim Seymour</i>                           |
|         | <i>Will Fermer</i>   |                |       | <i>Rich Newton</i>                           |
|         | <i>Mr. Manwaring</i> |                |       | <i>Christop Morrell<br/>of Much-Wenlock.</i> |

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### Instructions for those that shall go into Wales.

1. You shall make the K's Declaration the chief subject of your discourse with such persons as you shall think fit to speak with, &c.

2. You must make it your principal care to settle the minds of people, especially of those that are designed for Members of Parliament, or such who do, or are likely to come up to the K's measures, in relation to the *Penal Laws & Tests*, against all endeavours, which may be made by the K's adversaries, for diverting the effects of his good intentions, & it being very probable that when the Parliament shall meet, this will be chiefly endeavoured by some indirect means, as by attempting to make some difference between the K. and his two Houses of Parliament, or either of them, or by starting somewhat, which may be a despute between the two Houses, you are particularly to forewarn and caution all persons who are likely to be Members against this artifice.

3. You are to assure those that are of the *Ch. of England*, that his Ma<sup>tie</sup> will maintain the same according to his word.

4. You are to engage all people of what perswasion whatever, to live friendly together, as becomes fellow Subjects, desposing them to unite their endeavours to render effectual his Ma<sup>ties</sup> gratioust intentions, for their ease and advantage, & you are to tell them, that his Ma<sup>tie</sup> will favour them most as shall be of that peaceable disposition, as to sacrifice all private animosities to the publick good.

5. You are to remove as much as may be, all fears and jealousies out of peoples minds, by telling them his Ma<sup>ties</sup> only designs the universal happiness of all his People.

6. You are to make acquaintance with the leading, active, and interested men in the country, or in the Towns and Corporations, who are inclinable to abrogate the *Penal Laws* for religion, and the *Tests*, and engage them to improve their int'rest for effecting it.

7. You are to inform yourself, (as privately as may be), whether the persons proposed to be chosen, by the list given you, be rightly principled, and so disposed to part with the laws, as may be depended on.

8. You are to inform yourself whether the regulations made in the respective Corporations have been of proper persons for his Ma<sup>ties</sup> service.

9. You are to inform your self, who are the Electors in the respective *Corporations* and *Burroughs*, and by what manner Elections are made, who influences them, and who are fittest to be chosen in those places, where none are yet proposed.

10. ——of the behaviour of the officers of the several branches of his Ma<sup>ties</sup> Revenue in relation to elections, whether they promote his Ma<sup>ties</sup> int'rest as they ought to do, and further what in them lies, *the Repeal of the Penal Laws and Tests*.

11. To acquaint your selves with the Preachers of the Dissenting Congregations, and encourage them to employ their int'rest, for the abrogating those *Laws & Tests*, and if you find any of them dissatisfied, enquire who they correspond with in *London*, and give notice of it.

12. To inform your self of some fit person in each *Corporation*, with whom a correspondence may be held for the knowledg(e) of the true state of the same, and to whom books and papers may be sent, to disperse them for the peoples better information.

13. You are from time to time to advise with the Catholick gentlemen.

14. You are likewise to inform those you converse with, that *Liberty of Conscience* hath been the cause of the Hollanders great trade, riches and power, &c.

15. You shall take care to make all persons understand, that the late proceedings against the Bishops\* were necessary to support his Ma<sup>ties</sup> Declaration for *Liberty of Conscience*, which the King will always maintain, as likewise his Prerogative, on which it is founded.

\* See Westmorland and Cumberland Returns; and foot note p. 200.

16. That their dissobedience and their Petition, were designed only to obstruct the meeting of Parliament, and to prevent the establishing of what they apprehend, &c. which is so far from discouraging his Ma<sup>te</sup>, that he is more resolved than ever to pursue this great work, not doubting to effect it, whatsoever opposition he may meet with.

[State Papers, Domestic, James II.; Bundle 7, No. 405.]

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### SUPPLEMENTARY.

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The following additional matter, among the State Papers of the reign of James II., now in the Public Record Office, bears directly on the foregoing subject, and shows distinctly how general the feeling was that the interests of the Protestant Religion were menaced, and how firmly the King's designs were resisted in his attempt to overthrow the Test and Penal Laws instituted for its security.

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TEN SEASONABLE Q [UERIES] (*leaf torn*), proposed by a Protestant, that is for Liberty of Conscience to all persuasions.

I. Whether any real and zealous papist was ever for Liberty of Conscience?, it being a fundamental principle of their religion, that all Christians that do not believe as they do, are hereticks and ought to be destroyed.

II. Whether the King be a real and zealous papist?; if he be, whether he can be truly for Liberty of Conscience.

III. Whether the King, in his brother's reign, did not cause the persecution against the Dissenters to be more violent than otherwise it would have been.

IV. Whether he doth not now make use of the Dissenters to pull down the Church of England, as he did of the Church of England to

ruin the Dissenters, that the Papists may be the better enabled, in a short time to destroy them both?

V. Whether any ought to believe he will be for Liberty, any longer than it serves his turn?, and whether his great eagerness to have the Penal Laws and Test repealed, be only in order to the easie establishing of Popery?

VI. Whether if these Penal Laws and Tests were repealed, there would not many turn Papists that now dare not?

VII. Whether the forcing of all that are in offices of profit, or trust, in the nation, to lose their places, or declare they will be for repealing the Penal Laws and Test, be not violating his own Declaration for Liberty of Conscience, and a new Test upon the people?

VIII. Whether the suspending the Bishop of *London*;\* the dispossessing the Fellows of *Magdalen* College of their Freeholds;† the imprisoning and prosecuting the Seven Bishops for reasoning according to Law;‡ are not sufficient reasons how well the King intends to repeal his Declaration for Liberty of Conscience, wherein he promiseth to protect and maintain all his bishops and clergy, and all other his subjects of the Church of England, in quiet and full enjoyment of all their possessions, without any molestation or disturbance whatsoever.

IX. Whether the usage of the Protestants in France and Savoy, for these three years past,§ be not a sufficient warning not to trust to the Declaration, Promises, or Oaths, in the matters of Religion of any Papist whatsoever?

X. Whether any equivalent whatsoever under a Popish King that

\* The suspension, in September 1686, is here alluded to, of Henry Compton, Bishop of London (and uncle to the then Earl of Northampton), for declining to interfere in the case of Dr. Sharp, who in a sermon vindicated the Church of England, in opposition to the errors of Popery; [Kennet; Burnet; Rapin]. Dr. Sharp, then Dean of Norwich, became in 1691 Archbishop of York.

† This alludes to the attempt of James II. to force a Roman Catholic President on Magdalen College, Oxford, and the expulsion from the college of the Fellows who resisted it, with the deprivation of their Fellowships.

‡ These were the seven Bishops who were committed to the Tower, for refusing to allow the King's Declaration for Liberty of Conscience to be read from the pulpit.

§ Louis XIV. of France had just revoked the Edict of Nantes, in consequence of which many French Protestants sought refuge in England and Germany. About 50,000 refugees passed over into England, and there can be little doubt (as observed by McCulloch), that their representations of the cruelties perpetrated by the King of France, tended to excite the suspicions of the English against their own Roman Catholic sovereign, and in some degree accelerated the Revolution of 1688. (See Observations, "Hampshire" Returns.)

hath a standing army, and pretends to a Dispensing Power, can be as equal security as the Penal Laws and Tests, as affairs now stand in England? [1687-8.]

*If any think fit to answer these Queries, they are desired to doe it, as plainly and fairly as they are here put.\**

[State Papers, Domestic, James II., B. 7, No. 220.]

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### The Declaration of His Highness William Henry

BY THE GRACE OF GOD, PRINCE OF ORANGE, &c.

OF THE REASONS INDUCING HIM,

To appear in arms in the kingdom of England for preserving of the Protestant Religion, and for restoring the laws and liberties of England, Scotland, and Ireland. [1688.]

\* \* \* \* \*

They have also followed the same methods with relation to civil affairs: for they have procured orders, to examine all Lords Lieutenant, Deputy Lieutenants, Sheriffs, Justices of the Peace, and all others that were in any publike imployment, if they would concur with the King in the Repeal of the Test and Penal Laws: and all such, whose consciences did not suffer them to comply with their designes, were turned out: and others were put in their places, who they believed would be more compliant to them in their designs of defeating the intents and execution of those laws, which had been made with so much care and caution, for the security of the Protestant Religion. And in many of these places they have put professed Papists, though the law has disabled them, and warranted the subjects not to have any regard to their orders.

[State Papers, Domestic, James II.; B. 5.]

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\* The words in *italics* are underlined in the original.

The following are the Headings of three other State Papers in the Record Office, bearing on the same subject :—

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**The DECLARATION,**

**Of the Lords Spiritual and Temporal, in and about the Cities of London and Westminster, Assembled at Guildhall, 11 Dec. 1688.**

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**THE PRINCE OF ORANGE,**

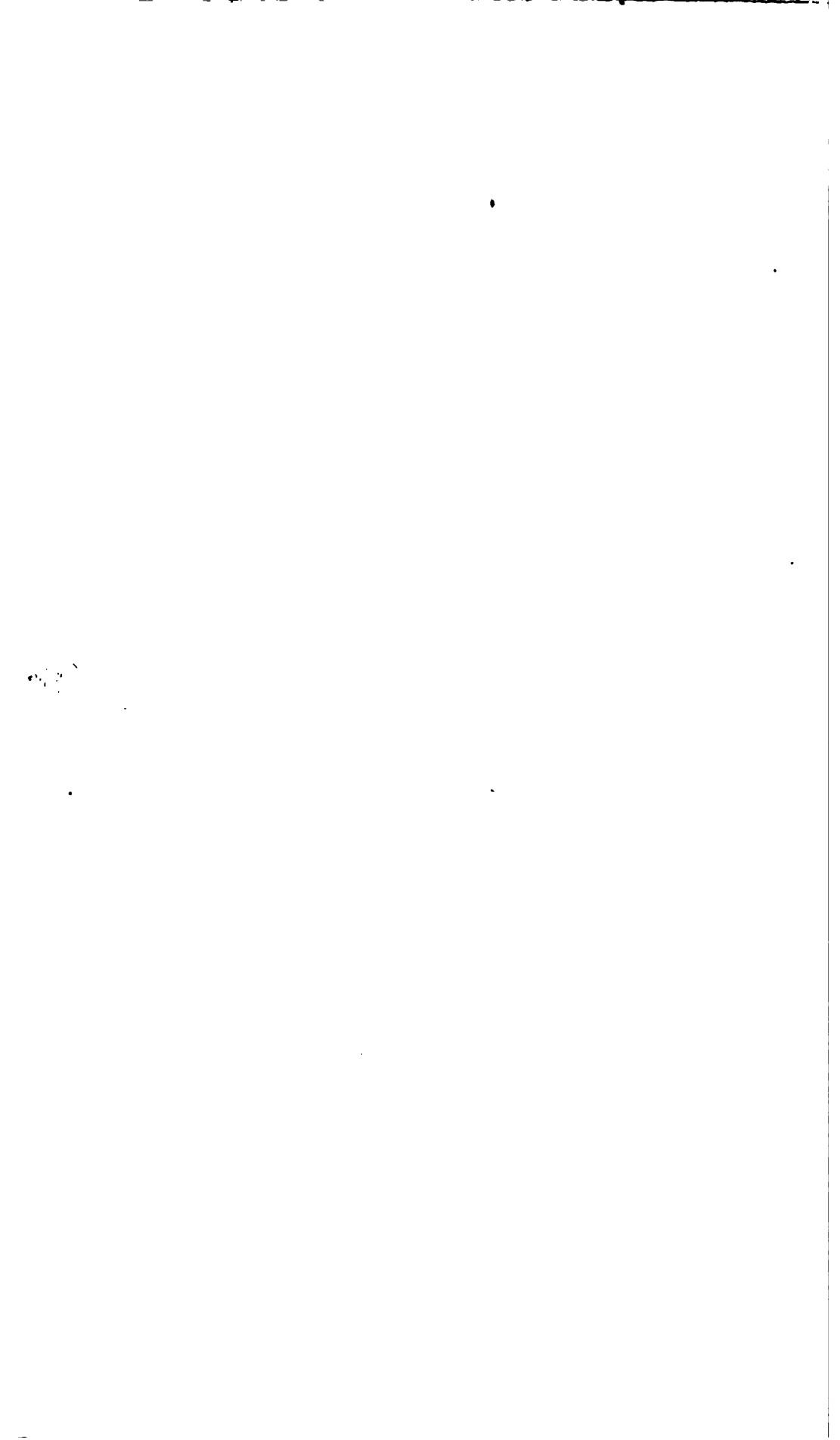
**HIS THIRD DECLARATION.**

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The DECLARATION of the Nobility, Gentry, and Commonalty at the Rendezvous at Nottingham, Nov. 1688.

[State Papers, Domestic, James II., B. 5.]

Wiltshire.



# Penal Laws and Test Act;

PROPOSED REPEAL OF THE SAME IN 1687-8;

*In respect of the Deputy Lieutenants and Magistrates of Wiltshire; with the Confidential Returns of the Parliamentary Interests at that period.*

[From the Original State Papers and Documents in the Bodleian Library.] \*

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THE subject of the present paper is entirely connected with the object which James II. had in view from the commencement of his reign, viz., the restoration of the Roman Catholic faith as the religion of the country, and the necessary but preliminary step thereto, the Repeal of the Penal Laws and Test Act, which excluded in their operation all Roman Catholics and Dissenters from any political power. He had become a Roman Catholic during the Commonwealth, at the time he was in exile, but had not openly announced his faith until 1671, and the passing of the Test Act in the late reign—by which he was compelled to throw up all his several appointments—and which, in fact, aimed at excluding him from the Succession, was, doubtless, to him a subject of personal grievance, not to be forgotten or tolerated after coming to the Throne. By virtue, therefore, of his sole Prerogative, he issued in 1687 his "Declaration of Toleration and Liberty of Conscience," abrogating thereby all oaths and tests, together with his Instructions for the election of Members to serve in Parliament, and although

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\* Reprinted, with additions, from "The Wiltshire Antiquarian Magazine."

this measure led to great discontent among those who looked upon it as jeopardising the Protestant doctrines of the country, it was repeated twelve months after, by another "Declaration of Indulgence," commanded to be read from the pulpit, upon which occasion seven Bishops, who refused to distribute and circulate the same among their clergy, were committed to the Tower.\*

The King, bent upon the repeal of the main obstacle to his Roman Catholic views in the next Parliament† that he might be disposed to convoke, had, in furtherance of this object, already instructed through his Council, the several Lords-Lieutenant of counties throughout England and Wales, to propound certain questions to all the Deputy Lieutenants and Magistrates in their respective lieutenancies, touching their views on these statutes, with a view naturally to calculate how far he could rely upon a majority in any forthcoming elections;‡ and also to give a semblance of constitutional authority to his acts, which, hitherto, relying solely on his own Prerogative, he had utterly disregarded. These different steps, especially the imprisonment of the Bishops—which caused profound indignation throughout the kingdom—brought about a crisis not many months afterwards, which hastened the Revolution and cost him his Throne.

In connection with these interrogatories the Lieutenants of counties were instructed to obtain all possible information as to the leaning and tendencies of the different constituencies and county interests, and Returns were sent in giving such information, and other Returns will be found in the sequel, from Agents employed on this particular service.

\* The Bishops who protested against the Declaration were: Canterbury, Ely, Peterborough, Norwich, St. Asaph, Bath and Wells, Bristol, Gloucester, and Chichester. Seven of them were imprisoned: Sancroft (the Primate), Ken, Lake, Lloyd, Turner, White, and Trelawney.

† He had prorogued his last Parliament indefinitely on 20th November, 1685.

‡ The King promised in his second Declaration to hold a parliament in November,

The Lords Lieutenant not having met with the success expected in their questions to the Magistrates, &c., the lists of the Deputy-Lieutenants and Justices of the Peace were revised, and many struck out, the King continuing only those who would be ready to contribute to the repeal of these objectionable statutes; whilst others were added, who would concur and assist towards that end. A subsequent Declaration was issued to the same effect. The Corporations, also, of the several borough towns were especially selected to be operated upon and re-modelled. By annulling their charters, under the then customary *Quo Warranto* proceedings, and removing those who were hostile to the King's aims, the choice of Members at any future elections was secured.

It is, therefore, a matter of no little interest, at that critical juncture of our religious liberties, to consider the nature of the private and confidential information in these Returns, in respect of the Wiltshire boroughs, for as a matter of fact the Lord-Lieutenant of this county reported, (as stated by Macaulay), "That of sixty Magistrates, with whom he had conferred, only seven had given favourable answers, and that these seven could not be trusted"; so that taken in conjunction with these Answers, and the evident disposition of the Magistrates and country gentlemen at that time—the descendants of many of whom remain to this day—we believe the entries relating to the repeal of the laws in question will prove of considerable local and historical value; whilst the period at which these events occurred was too important to cause it to be regarded save with the greatest interest.

The volume, whence the ensuing transcripts have been made, contains the ORIGINAL Returns, &c., on this question, from nearly every county in England and Wales, with the exception of Middlesex, Suffolk, and Surrey, and forms one of those valuable MSS. of the Rawlinson Collection, now in the Bodleian Library.

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**Return, transmitted on the part of the Lord-Lieutenant of  
Wiltshire, to the Council of King James II., 1687.**

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**34 Parliament-men for Wiltshire.**

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**2 Knights of the Shire;**

My L<sup>d</sup> Cornbury,\* and S<sup>r</sup> James Long; y<sup>e</sup> old place of electing Knights of y<sup>e</sup> shire is at Wilton, but if it be removed to y<sup>e</sup> Devizes, all y<sup>e</sup> dissenters will come in, and carry it as they please w<sup>th</sup> a little help.

|            |                                                                          |                                                                                                                                         |
|------------|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| SALSBURY,  | Mr. Swaine,<br>Mr. Heeley.                                               | Strong dissenters: will certainly be chosen, if there be a supplementall charter: and a few new ones added to the corporation.          |
| OLD SARUM, |                                                                          | { Is come to be a popular election, and the dissenters joyning w <sup>th</sup> y <sup>e</sup> Kings friends will choose 2 fitt persons. |
| WILTON,    | S <sup>r</sup> John Nicholas Kn <sup>t</sup> ,†<br>Oliver Nicholas, Esq. | { My L <sup>d</sup> Pembroke has the chiefe interest here.                                                                              |
| DOWNTON,   | S <sup>r</sup> Charles Rowly,<br>Mr Eyres.                               | { A Lawyer, a strong disenter; he manages my L <sup>d</sup> Arundell of Warders concerns.                                               |

\* Edward, Lord Cornbury, afterwards 3rd Earl of Clarendon (which title became extinct, 1723), was the first who joined the standard of William of Orange after his landing in November 1688, going over to him with his own and two other regiments. He represented the county of Wilts in 1684-5, in the Convention Parliament of 1688-9, and 1689-90. In 1702 he was sent out as Governor of New York.

† Sir John Nicholas, Knight of the Bath; son of Sir Edward Nicholas; M.P. for Wilton in 1675, 1680, 1685.

|           |                                       |                                                                                                                                                                                                                                                                                                                                                         |
|-----------|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| HINDON,   | Robert Hyde Esq*                      | Mr Hide has the chiefe Interest. Mr Lambert within mentioned, was one of the last Burgesses, but I prevailed w <sup>th</sup> him not to stand.                                                                                                                                                                                                          |
| WESTBURY, | Coll Lewis<br>Mr. Bertie.             | My L <sup>d</sup> Abbingtont and Coll. Lewis have the chiefe interest, but there is one M <sup>r</sup> Trenchard that lives just by may give an opposition, if joyn'd with some person y <sup>t</sup> would spend monies, which will go a great way in y <sup>e</sup> little boroughs. Coll Lewis is a very nere man, and will spend little or nothing. |
| HEYSBURY, | William Ashe Esq.<br>Edward Ashe Esq. | These 2 have the sole interest in y <sup>e</sup> Borrough. I was informed by M <sup>r</sup> Jefrys of y <sup>e</sup> Devizes, one of D <sup>r</sup> Coxes agents, and by another dissenter, that they would be moderate men in this matter.‡                                                                                                            |

\* Robert Hyde of Hatch, here named, represented Hindon, (from which the Earl of Clarendon takes his second title), in 1676, 1685, the Convention Parliament of 1688, and 1689-90. He was one of the ennobled Wiltshire family of Hyde, created Earls of Clarendon and Rochester, and in descent from Laurence Hyde of West Hatch, in Wilts, and apparently from the elder son of the same. This Laurence (whom we take to have been M.P. for Chippenham in 1586), left several children, of whom, Robert of Hatch was the *eldest*; Henry of Purton, the *third*, was the father of Edward 1st Earl of Clarendon, the celebrated Lord Chancellor, whose daughter became Duchess of York, and whose younger son was created Earl of Rochester; the *second* son was Sir Laurence Hyde of Dinton and Salisbury, father of Laurence Hyde of Heale House, near Salisbury, Sir Robert, Lord Chief Justice of the Common Pleas, Alexander Bishop of Salisbury, Sir Frederick Serjeant-at-Law, Sir Henry Hyde beheaded in 1650, William and Francis [Le Neve; Harl. MS. 5801, f. 18.] We infer from the Diary of Henry, second Earl of Clarendon, that the father of Robert Hyde, in the text above named, was Edward, son (or grandson) of Robert Hyde of Hatch, who appears to have died before these events. Lord Clarendon, in his said Diary, after joining the Prince of Orange at Salisbury in December 1688, speaks of "the widow of my cousin Edward Hyde of Hatch," where at that time the Prince of Denmark was quartered. Subsequently, in August 1689, being in Oxfordshire, he says:—"Where I found my cousin Robert Hyde"; and in the following month:—"Cousin Robert Hyde of Hatch dined with us." (Clarendon's Diary.) The name is so important in connection with the illustrious persons who bore it, and played so conspicuous a part at the time under notice, that we have entered into its history at some length.

† Had just been removed from the Lieutenancy of Oxfordshire. In November following he joined the Prince of Orange. Before January 1689-90 he had been reinstated in the Lieutenancy of the county by William of Orange. (Clarendon's Diary.)

‡ Henry Chivers of Quemerton, in the parish of Calne, was M.P. for that borough in 1688.

|               |                                                     |                                                                                                                                                                                                                                                                                      |
|---------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CALNE,        | Mr Davenant,*<br>Mr Chivers.                        | M <sup>r</sup> Davenant and M <sup>r</sup> Chivers have the sole interest; but if a new charter be found proper for the town, M <sup>r</sup> Davenant will be left out.                                                                                                              |
| DEVIZES,      | S <sup>r</sup> John Eiles,†<br>M <sup>r</sup> Hope. | Very honest and fitt persons to serve his Maj <sup>y</sup> .                                                                                                                                                                                                                         |
| CHIPPEHAM,    | S <sup>r</sup> John Talbott.‡                       | M <sup>r</sup> Richard Kent <sup>‡</sup> of ye custom house, and M <sup>r</sup> Bainton have the chiefe interest, but if M <sup>r</sup> Kent sticks close to S <sup>r</sup> John Talbott, they will carry it. S <sup>r</sup> James Long, whom I can engage, has a good interest too. |
| MALMESBURY,   |                                                     | This corporation is lately altered, and t <sup>'s</sup> supposed his Ma <sup>t</sup> y may have any.                                                                                                                                                                                 |
| CRICLADE,     | S <sup>r</sup> Stephen Fox,  <br>Collonel Webb.**   | Have the chiefe interest, and if they joyne will be chosen against any.                                                                                                                                                                                                              |
| GREAT BEDWIN, |                                                     | My L <sup>d</sup> Aylsbury has y <sup>e</sup> chiefe interest. There is one [obliterated] of 200 <sup>lb</sup> has a very good interest, and says if a new charter comes down, they having lost their old one, and he named Bailiff, the King shall have any 2 persons he will name. |

\* Of this name was Charles Davenant, M.P. for Great Bedwin, and Doctor of Laws; and in the Commission of Lieutenancy for the city of London.

† Sir John Eyles of South Broom, Knight; was M.P. for Devizes in 1679; knighted in 1688, being Lord Mayor of London at the time. See his name in the Commission of Lieutenancy for London, p. 19.

‡ Appears to have been returned for Chippenham in 1689. [C. O. L.]

§ Sir John Talbot Knt. of Lacock, sat for Devizes in 1685, for Chippenham in 1678, and for Ludgershall in 1680.

|| Sir Stephen Fox Knt., was a conspicuous man in his day; at different times Clerk of the Green Cloth; Commissioner in the office of Master of the Horse; and a Lord of the Treasury; and was ancestor of the Earl of Ilchester, and Lord Holland. He was knighted in 1665, and sat in Parliament for Salisbury in 1661 and 1685, was M.P. for Westminster in 1678-9, and again in 1695, and for Cricklade in 1698 and 1701. On the death of his son, Charles Fox, M.P. for Salisbury, he was chosen member for that borough. He died at Chiswick in 1716, and was buried at Farleigh, in Wilts. He voted the Throne vacant at the Revolution, and was excepted from James II. pardon in the Declaration made by him from La Hogue.

\*\* Of Rodbourn Cheney, co. Wilts; M.P. for Cricklade in 1678-9, 1679, 1695.

|                 |                                                                                                          |                                                                                                                                                                                                                                                            |
|-----------------|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LUGGERSALE,     | M <sup>r</sup> Neale.                                                                                    | S <sup>r</sup> Anthony Browne,* catholique, has y <sup>e</sup> chiefe interest.                                                                                                                                                                            |
| WOOTON BASSETT, |                                                                                                          | My L <sup>d</sup> Rochester,† and Mr. Moore, catholique, have the chiefe interest.                                                                                                                                                                         |
| MARLBOROUGH.    | S <sup>r</sup> John Ernly,‡ Chancellor of y <sup>e</sup> Exchequer.<br>Mr Rider, an attorney, dissenter. | This charter must be altered, and the Burgesses reduced to 18; M <sup>r</sup> Lobbs opinion. My L <sup>d</sup> Duke of Somersett and my L <sup>d</sup> Alsbury have y <sup>e</sup> present interest, but will not, when y <sup>e</sup> Charter is altered. |

### The King's Instructions.

Three Questions propounded by William, Earl of Yarmouth, § Lord Lieutenant of the county of Wiltshire, to the Deputy

\* Sir Anthony Browne was probably brother of Sir Henry Browne of Kiddington, created a Baronet, who died in 1689; a branch of the Roman Catholic family of Browne, Viscounts Montague of Cowdray, in Sussex.

† Lord Rochester purchased Wooton Bassett in 1676 of Sir Robert Howard. An extract from a letter among the Verney papers, [Hist. MSS. Com. vii.], states the purchase money as £36,000. This place is not far distant from Purton, then belonging to his brother Lord Clarendon.

‡ Sir John Ernle, M.P. for Great Bedwin 1680, for Calne in 1685, for Marlborough in 1688, 1689-90. His father, John Ernle of Whetham in Wilts, married daughter of Sir Arthur Hopton of Witham, co. Somerset. He married daughter of Lord Allington, and relict of Charles, 2nd Lord Seymour of Trowbridge; and was knighted in 1663.

§ William Paston, (second) Earl of Yarmouth; ob. s.p.m. 1732. It is by no means clear, as stated by Macaulay, that the Earl of Pembroke and Montgomery had declined to put the questions proposed by James II., and like many other Lieutenants of counties was removed, in this case being superseded by the Earl of Yarmouth. The list of Wiltshire Lords Lieutenant, preserved in the Record Office, shows that he was associated with Lord Yarmouth in charge of the county. It was in the mind of James II. to have removed both one and the other before the following November, as the following extract from a despatch of Lord Preston to the Duke of Beaufort, dated London, 6th November, 1688, just after the landing of the Prince of Orange, sufficiently proves:—"My Lord Stawell is made Lord Lieutenant of *Somersetshire* in the place of my Lord Walgrave (*sic*), and I believe there will be an alteration speedily in *Wiltshire*. My Lord Delaware is Lord Lieutenant of *Hampshire*, in the place of the Duke of Berwick." [See Returns from the Principality of Wales, *postea*.] After the Revolution of 1688 the Earl of Pembroke and Montgomery was constituted by William III. Lord Lieutenant of South Wales and Wiltshire; (Chamberlayne; *Angliae Notitia*).

Lieutenants and Justices of the peace within his Lieutenantcy, one by one, in pursuance of his Ma<sup>ties</sup> Instructions and commands, signified by a Letter from the Lord President, dated 25th October 1687, together with their several names, to whom the Questions were proposed, and their respective answers to every particular question :

| 1                                                                                                                                                                                              | 2                                                                                                                                    | 3                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| In case you shall bee chosen Knight of the Shire, or Burgess of a Towne, when y <sup>e</sup> King shall think fitt to call a Parliament, will you be for taking off the Penal Laws and Tests ? | Will you assist and contribute to the Election of such members (of Parliament) as shall be for taking off the Penal Laws and Tests ? | Will you support his Majesties Declaration for Liberty of Conscience, by living friendly with those of all Perswasions, as subjects of y <sup>e</sup> same Prince, and good Christians ought to do ? |

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### Answers.

In obedience to His Maj<sup>ties</sup> commands I have asked the three questions to the severall persons following :

First,

S<sup>r</sup> RICHARD HOW OF WISHFORD, DEPUTY LIEUTENANT;\*

1 question, says he will not be for taking of any penall Laws or tests, till he comes into the house of commons; 2, he will not contribute to the electing such members as shall.

3, Declares he wil live friendly with all persons whatsoever, and

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\* Sir Richard Grubham Howe of Wishford, county Wilts, 2nd Baronet; ancestor of Lord Howe. Represented the county in 1661, on Henry Hyde becoming Earl of Clarendon. He sat for the county in 1678-9; for Hindon in 1679, together with his son Richard; for the same borough in 1680; for Old Sarum in 1685; and for the county in the Convention Parliament of 1688-9.

added when the Parliament mett, he hoped an accomodation would be to the Kings content.

**M<sup>r</sup> HIDE OF HATCH,\***

I qu. He will not declare what he will do, before he comes into the house of commons.

2. He will not contribute to the election of such members as shall be for taking away the penall laws and tests, by reason t'would declare his opinion before hand.

3. With all his heart he will live friendly with all persons of what perswasions soever, and is for a Tolleration.

**D L<sup>t</sup> COLL. WINDHAM OF SALSBURY, DEP: LIBUTENANT AND JUSTICE OF THE PEACE,**

1. He wilbe for the taking away the Penall laws and Tests, so that the Church of England may be secured by laws made to enforce what the King has promised in the Declaration.

2. He will be for choosing such persons as are undoubtedly loyall.

3. That he will live peaceably and quietly with his neibors of all per-  
swasions as long as the Government gives leave.

**D L<sup>t</sup> S<sup>r</sup> JOHN COLLINS OF CHUTE LODGE,†**

1. Declares his Judgement is for taking of the penal laws and Tests.

2. He will contribute to the election of such members as shall do it.

3. He will live friendly and peaceably with persons of all perswasions.

**D L S<sup>r</sup> JAMES LONG OF DRACOTT,‡**

1. Is of opinion that Tolleration is best, and is for taking away the penall Laws provided there be a clause inserted against Atheisme, Blasphemy, and for the repealing the Tests he totally relays upon the Kings sense in parliament.

\* Hatch House, two miles from Hindon, was the seat of the Hydes, and like many similar family residences, is now a farm house. We identify this Mr. Hyde with the same mentioned under Hindon. Both this place and Hatch were occupied for some days by William of Orange and his suite, on his march or advance towards London in December, 1688.

† Sir John Collins of Chute Lodge, near Andover, was knighted at Windsor in 1681; (Le Neve).

‡ Sir James Long of Draycot Cerne, second Baronet; was M.P. for Malmesbury in 1679, 1680, 1689-90; and ob. 1691-2.

2. He will be for those of the same opinion.
3. He will live friendly and quietly with persons of all persuasions.

**MR HUSSY, JUSTICE OF THE PEACE,**

1. Says he will be for taking of the penal Laws and Tests.
2. He will contribute and assist such as shall be for taking them off.
3. That he will support the King's Declaration, by living peaceably and quietly with persons of all persuasions.

**COLL. LEWIS,**

1. Declares he is for liberty of conscience, as far as it may consist with the peace of the nation, and will not declare what he will further do as to the repealing ye Tests till the house of Commons meets.
2. He will not concern himself one way or the other in any Election.
3. He will live peaceably and quietly with all his neibors of w<sup>t</sup> persuasion soever, and will serve his Maj<sup>ty</sup> to the uttermost of his power.

**M<sup>r</sup>. CHAUNDLER, DEPUTY LIEUTENANT,**

1. Is of opinion to take away all penall Laws and Tests, so farr as it shall not prejudice the Church of England.
2. That he will be for such as are of the same opinion.
3. That he will endeavour to live well with all men of what religion soever.

**S<sup>r</sup> GILBERT TALBOT,**

1. If I am chosen a Member of Parliament when his Maj<sup>ty</sup> shall call one, I will as I have ever done in former Parliaments, be entirely govern'd and directed by his Maj<sup>ty</sup> in my votes.
2. I shall give my best assistance to have such Members elected, as shall be for abolishing the penall laws and Tests.
3. I will support the Kings Declaration for liberty of conscience (as a most gratious concession to his subjects), by living friendly with men of all persuasions, as loving subjects and good Christians ought to do.

**D L<sup>t</sup>            COLL. CHIVERS, DEPUTY LIEUTENANT,**

With great intreatys and persuasions I prevailed with Mr Chivers to be for the taking of the penal laws and tests, and will rely solely upon his Maj<sup>ty</sup>; his chiefest scruple was, that he should be hang'd hereafter for what he does at present, and desired greater security.

**S<sup>r</sup> CHARLES RAWLEIGH,\***

1. Does not dissapprove of a liberty of conscience, and when he comes into the house, will endeavour to serve his Maj<sup>st</sup> honestly, faithfully, and loyally, but will not declare before hand what he will do.
2. He will neither meddle one way or other.
3. He say'd he would live peaceably with all men.

**D L<sup>t</sup> S<sup>r</sup> HENRY COKER,† DEPUT: LIEUTENANT AND JUSTICE OF PEACE,**

1. If it be his Maj<sup>ties</sup> pleasure to have the penall-statutes and the Tests taken of, and that it be for the safety of his Maj<sup>ties</sup> person, I shall shew my obedience to his commands.
2. The answer above I suppose is also to this.
3. I have with all obedience done it, and shall be ready to obey my Kings so just commands.

**M<sup>r</sup> FITZHERBERT, JUSTICE OF PEACE,**

1. Declares he is for taking of the Penal laws and Tests.
2. He will contribute to the election of such as shall.
3. He will support ye Kings Declaration for living friendly and peaceably with persons of all persuasions.

**M<sup>r</sup> SCROOPE, JUSTICE OF PEACE, A CATHOLIQUE‡**

1. He is very ready to take of all penall laws and tests.
2. He will readily assist those that shall.
3. He shall do it.

**M<sup>r</sup> DAVENANT,**

1. Say'd he intended to stand for Calne, and would not declare his opinion till he came into the house of Commons.
2. He would not contribute to the electing of any y<sup>t</sup> should be for ye taking of ye penall laws and tests.
3. He always did and always will do.

\* Sir Charles Rawleigh (or Raleigh) of Downton, knighted at Windsor, 1681; ob. 1698 (Le Neve); was M.P. for Downton in 1685, 1688, and 1689-90.

† Of Hildeverill (Hill Deverill).

‡ Presumably ancestor of the Scropes of Castle Combe; a collateral branch of the same family are the Scropes of Danby in Yorkshire.

**COLONEL PENRUDOCK, DEPUT. LIEUTENANT AND JUSTICE OF PEACE,\***

1. Says he has served your Maj<sup>y</sup> faithfully, and ever will with his life and fortune, and is for taking away pennall laws, but for the Test he will consider farther of that when he comes into the house.
2. He will not concern himself in the choice of any member.
3. He will live friendly and peaceably w<sup>th</sup> every body.

**M<sup>R</sup> WILLIAM YORK, JUSTICE OF PEACE,**

1. He is not for opposing the King in any of his great designs, provided the Church be secured, not doubting but his Maj<sup>ys</sup> promise in the Declaration will be made good by a law.
2. He will do his endeavours to assist the King in this matter.
3. He agrees to it with all his soul.

**M<sup>R</sup> HILL, RECORDER OF SALSBURY AND JUSTICE OF PEACE,**

1. Is for taking of the penall laws, but for ye tests is doubtful and desired longer time to consider of it.
2. He will be for such as are of his opinion.
3. He will with all his heart live peaceably w<sup>th</sup> persons of all persuasions.

**M<sup>R</sup> HARRIS,**

1. Is of opinion that the Dissenters ought to enjoy all the freedome the King has given them; is doubtful as to the Test.
2. He has no voice to elect members.
3. He is contented the King should do w<sup>t</sup> he pleases with his subjects and live peaceably with all men.

**M<sup>R</sup> CHAMBERLANE,**

1. Says he is for giving reasonable Ease to all Dissenters, for the repealing the tests he submits that to parliament.
2. He will not assist one way or other in any election.
3. He has all'ways and is ready to live friendly with his neibors, and with those that will do so with him.

\* In descent from Colonel John Penruddock of Compton Chamberlayne in Wilts, who was concerned in the Royalist Rising in 1655, known as the "Penruddock Rebellion," and executed at Exeter on 16th May of that year.

**M<sup>r</sup> FRANCIS MOORE, A CATHOLIQUE,**

1. Declares he will with all his heart and soule be for taking of the penall laws and tests.
2. He will assist and contribute to y<sup>e</sup> election of such members as shall.
3. He will live neiborly with persons of all perswasions.

**M<sup>r</sup> BAINTON, DEPUT. LIEUTENANT,**

1. Declares when he heares the debates of the house of commons he shall do as his conscience directs him.
2. He shall be for choosing Loyall men and leaves it to their concience to do as they think fitt.
3. He will endeavour to live peacably and quietly with his neibors of all perswasions.

**M<sup>r</sup> GEORGE WROUGHTON, DEPUT. LIEUTENANT AND JUSTICE OF PEACE,**

1. Says he cannot be for taking away ye Penall Laws and tests, Judging it prejudicial to the Church of England.
2. He will not for any of another opinion.
3. That he will endeavour to his utmost to live peacably and quietly with all persons, and adds he will not stand for parliament man though offer'd.

**M<sup>r</sup> BREWER,**

1. Is of opinion that no man ought to be prosecuted for meere matters of relligion, but for repealing Penall Laws and Tests referrs it for the determination of parliament.
2. He will give his voice for such as he believes will serve the King and country faithfully.
3. He is ready to do it.

**M<sup>r</sup>. ASHLY,**

1. To the first he answers in the negative.
2. To the second he says he has little or no interest to contribute to any.
3. He will live amicably and peaceably with every body.

**M<sup>r</sup> HIRST,**

1. He is not for taking away the Penall Laws and Tests.

2. Nor for assisting those that shall.
3. He will live friendly with persons of all persuasions.

**COLL. YOUNG,**

1. He will not declare his mind till he comes into Parliament, and upon discourse I found he was ill inclined to ye taking of y<sup>e</sup> Penal laws and Tests.

2. He will not promise that he will, but say'd that his life and fortune should be ever at his M<sup>rs</sup> service.
3. T<sup>i</sup>s his desire to live quietly and peaceably w<sup>th</sup> persons of all persuasions.

**M<sup>r</sup> BUCKLAND,**

1. If he be chosen Burgess he will serve y<sup>e</sup> King faithfully and Loyally.
2. He thinks it not consistent to give a positive answer, it having s<sub>o</sub> immediate relation to the former.
3. He will live neiborly and friendly with persons of all persuasions.

**M<sup>r</sup> LAMBERT,**

1. Says since his Maj<sup>t</sup> has been pleased to give a Tolleration for liberty of conscience, is for securing it by law as his Maj<sup>t</sup> and his great Councill shall think fitt; for ye test he has not so well considered of it, yett is doubtful.
2. To that he says he is incapacitated.
3. He will live friendly and quietly with all men, and hopes they will do so with him.

**COLL. DEANE,**

Sent a civil excuse for his not coming and say'd he had given his answer to ye D. of Berwick.

**M<sup>r</sup> HUNTERFORD,**

1. Is of opinion to take of penal laws from Dissenters, but for the Tests he cannot be for parting with them.
2. He will not contribute to such persons as shall be for taking of the Tests.
3. T<sup>i</sup>s his desire to live peaceably with all men; he says his father lost all he had for ye old King.

M<sup>R</sup>. GEORGE TOOKER, OF KENNETT,

1. Says he is against taking of either the penal laws or tests.
2. He will not be for those that shall.
3. He will leave peaceably with all the world.

M<sup>R</sup> GODDARD,

1. Says he will not come into any Publique employ, is not for taking of penall laws or tests.
2. He will endeavour to choose loyall men, as shall be serviceable to his Maj<sup>y</sup>.
3. He will live friendly and well w<sup>th</sup> his neibors of all perswasions.

## MAJOR GRUBB,

1. He will not declare his opinion till he comes into parliament, and upon the debate of the house will governe himself to the best of his judgement to serve the King and Kingdome.
2. He will be for such as are undoubtedly Loyall.
3. He has always and ever will live peaceably and friendly with all persons.

M<sup>R</sup> KENT OF Y<sup>E</sup> DEVIZES,

1. He does not propose to be a parliament man, and will leave such matters to y<sup>e</sup> debate of the ye house.
2. He will not concern himself for y<sup>e</sup> county being unfitt for travell by reason of indisposition of health.
3. He answered with all his heart, t'is his daily prayer.

The Marquisse of Worcester is out of y<sup>e</sup> country at Wansted; my L<sup>d</sup> Weymouth went out of y<sup>e</sup> county just before I came down; my L<sup>d</sup> Colraine\* lives on Hampstead hill; my L<sup>d</sup> Sterling† and my L<sup>d</sup> Stawell‡ live in other countys; M<sup>r</sup> Swanton deput lieutenant went w<sup>th</sup> y<sup>e</sup> judges in the circuit, though he knew I was to be speedily in the country; M<sup>r</sup> Nicholas, M<sup>r</sup> Smith, M<sup>r</sup> Maskellin would not come upon summons;

\* Henry, Lord Colraine, was M.P. for Old Sarum in 1679.

† Probably Henry Alexander, fourth Earl of Stirling.

‡ Lord Stawel of Somerton, in Somersetshire.

S<sup>r</sup> Edmund Warneford\* went to London; and so did M<sup>r</sup>. Clark and S<sup>r</sup> Thomas Mompeson; there are five or six more in the commission of peace dwell constantly at London.

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The Catholiques that are fitt to be made Deputy Lieutenants and Justices of the Peace are as followeth:—

My Lord Sturton,  
D. L<sup>t</sup>. M<sup>r</sup> Thomas Arundell,  
D. L<sup>t</sup> S<sup>r</sup> John Webb,†  
S<sup>r</sup> Anthony Brown of Lurgeshall,  
D. L<sup>t</sup> M<sup>r</sup> Cottington,  
M<sup>r</sup> Moore (sic)‡  
M<sup>r</sup> William Browne,  
M<sup>r</sup> Bodenham of Ramsbury,  
M<sup>r</sup> Scroope,  
M<sup>r</sup> Knipe.

Dissenters that are fitt for Deputy Lieutenants and Justices of the Peace:—§

S<sup>r</sup> John Eyles of the Devizes,  
S<sup>r</sup> William Pincen,||  
M<sup>r</sup> Groves,  
M<sup>r</sup> Rider of Marleborough,  
M<sup>r</sup> William Swain of Salsbury,  
M<sup>r</sup> Heely of the same place,\*\*  
M<sup>r</sup> Holton,\*\*  
M<sup>r</sup> Edward Hope, Junior Maior of ye Devizes,  
Charles Mitchell Esq<sup>r</sup>,  
Jacob Selfe Esq,

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\* Sir Edmund Warnford of Sherrington, Wilts; knighted in 1681; married daughter of William Paule, Bishop of Oxford, and sister of Sir William Paule of Bray (Le Neve). He was returned for Great Bedwin in 1688-9.

† Sir John Webb, second Baronet of Oldstock, Wilts.

‡ Erased in the original.

§ Another Return was sent in by the King's special Agents (*ut postea*).

|| See *postea*.

\*\* Two of Cromwell's Commissioners.

D. Lt M<sup>r</sup> William Trenchard of Gutridge by Westbury,  
 M<sup>r</sup> Nicholas Green,  
 D. Lt Lionell Duckett Esq.,\*  
 a favorer of Dissenters."

[Rawl. MS. A. 139<sup>a</sup>, fo. 191; Bibl. Bodl.]

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The Return of persons who were selected to replace existing Magistrates and Deputy-Lieutenants, appears in the foregoing Report of the Lord-Lieutenant of the county ; but care was also taken by the King to appoint Agents to visit, especially, the borough and corporate towns, and ascertain and report upon their disposition, in respect of the laws he proposed to abrogate. If a borough or corporate town appeared hostile to the King, it was easy in most cases, to have recourse to a forfeiture of its charter, and afterwards secure on its renewal an electoral element favorable to the Royal intentions, which would return to Parliament those only, that would promote their fulfilment.†

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### Report of King's Agents.

Report from the King's Agents sent into the country to influence the elections for parliament, respecting the counties of Wilts, Dorset, and six others ; containing notes on the prospects of all the borough and county elections.

\* Lionel Duckett of Hartham, (descended from John Duket of Grayrigg, in Westmorland, and Margery de Windesore, temp. Edward III.), was M.P. for Calne in 1679, and 1688-9. He was son of William Duckett, M.P. for Calne, a borough for which his family had sat with few intermissions from the 27 of Elizabeth (1584). The last of the name who represented it was Thomas Duckett, M.P., in 1765, when the seat passed into the hands of the Earl of Shelburne, ancestor of the present Lord Lansdowne. He died in 1693.

† Some boroughs surrendered their charters without a word, and one or two volunteered this course ; many, however, refused to comply. See the case of Lymington, Winchester, &c. (Hampshire Returns *postea*).

To the Kings most Excellent Ma<sup>tie</sup>  
May itt please your Ma<sup>tie</sup>

Pursuant to your Ma<sup>ties</sup> commands, some of our number, with others their associates, have visited several Corporations and Burroughs that elect Members of Parliament, and some of them being return'd, (viz D<sup>r</sup> Nehemiah Cox, and James Clarke, from Wiltshire and Dorsetshire; M<sup>r</sup> Benj Dennis, and Richard Adams from Cambridge, Norfolke, Suffolke, and Essex; and M<sup>r</sup> Nathaniel Wade, John Jones, and Richard Andrewes from Somersett and Devonshire); We most humbly tender to your Ma<sup>tie</sup> a briefe acco<sup>t</sup>e of their transactions, pursuant to Instructions received by direction from your Ma<sup>tie</sup>, and the most Hon<sup>ble</sup> Lords of y<sup>e</sup> Committee for regulating Corporations.

They have discovered all sorts of men in the countrey, as to your Ma<sup>ties</sup> most gracious intentions for Repealing the Tests and Penal Lawes for concience in matters of Religion, and doe find many of the Church of England, moderate and well inclined to part with those Tests and Lawes; their Religion being secured according to your Ma<sup>ties</sup> Declara<sup>c</sup>on; and soe are the Presbyterians.

The Roman Catholiques, Independants, Anabaptists, and Quakers, that are numerous in many places, are generally in your Ma<sup>ties</sup> interest, notwithstanding the many rumours, and suggestions to divide and create jealousies among them. These are unanimously agreed to elect such members of Parliament, as will abolish these Tests and Lawes.

We also finde, that Mouns<sup>r</sup> Fagells letter,\* and other Pamphletts

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\* He was first Minister of State in Holland, and known in history as "Pensionary Fagel," or the "Grand Pensionary of Holland," and died very shortly after these occurrences. He transacted the foreign affairs of the States, and was of course much in the confidence of the Prince of Orange. The letter here alluded to was an answer to a Scotch lawyer named Stuart, who was Secretary to Lord Melfort, and afterwards made Lord Advocate of Scotland by William III. He was used by James II. (or his Council) as an instrument or tool to deceive Fagel, and had written to the Pensionary by way of sounding the sentiments of the Prince of Orange, in respect of the repeal of the Test and Penal Statutes, without the King's appearing in the matter, although he afterwards denied that the correspondence had been authorised by James II. Being asked to induce the Prince and Princess of Holland to concur with the King in the repeal of these laws, the answer was a Declaration of the Prince's intentions on the subject, viz.—"that he was against all persecution on account of religion, and that all persons might have the free exercise of it in private." It consented, "to give a full liberty to Dissenters," but "they, (the Prince and Princess), could not consent to the repeal of those laws which tended only to secure the Protestant Religion." This letter, the English version of which was prepared by Bishop Burnet, was entitled "A letter to Mr. Stuart, giving an account of the Prince and Princess of Orange's thoughts concerning the Repeal of the Test and Penal Laws."

are industriously spread through all parts, with discourses and endeavours to prejudice the mindes of those who are faithfull, or inclined to your Ma<sup>ties</sup> interest, and that theres noe way yet settled to spread a sufficient number of such other books, as may informe and furnish the countrey with arguments to discover and detect the fallacious subtleties of these pernicious pamphlets; those few we have sent downe and disperst, have had very good effect. This we humbly submitt to your Ma<sup>ties</sup> consideration to give effectuall order therein.

We have also settled fitt and proper correspondents in each of those Counties, Corporations, and Borroughs for all services relating to this affaire, by whom we can in a short time be truely informed of any person or thing, and influence any Election, which service, (we doubt nott), they will, from time to time, faithfully and heartily performe, without putting your Ma<sup>ties</sup> to any greater charge, than the nature of the worke requires, the effect whereof will farr surmount that charge.

We do not finde that your Ma<sup>ties</sup> Revenue Officers have, or doe, improve their power for your Ma<sup>ties</sup> service in promoting this service, but on the contrary, severall of them, and of the Post Masters are utterly averse thereunto.

Upon our most strict enquiries, conferences, and information, we finde upon the regulations and measures propos'd for those counties and places, which elect a hundred and forty members, that when your Ma<sup>tie</sup> shall please to call your Parliam', you may expect above a hundred will be chosen, that will readily concurr with your Ma<sup>tie</sup> in abrogating those Tests and Lawes, and we doubt not but many, if not the most of the others, will also declare their consents thereunto.

By the further accounts from those of our number, that are not yett returned, we have good ground to believe, that the same proportions of such like men will at least be chosen in Hampshire, Sussex, Lincolnshire, and Yorkshire, where Eighty eight are chosen, of which upon their returne, yo<sup>r</sup> Ma<sup>tie</sup> shall have a more distinct account.

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Amsterdam, 1688, 4°, " and had been dispersed over all England. With a view to counteract its bad effect, pamphlets were circulated throughout the kingdom, asserting, (amongst other things), that the said letter was spurious. Burnet, (who refers to the occurence,) adds: "The matter was very strongly argued throughout the whole letter, and the Prince and Princess's zeal for the Protestant religion was set out in terms, that would not be very acceptable to the King." [Dalrymple, Memoirs; Burnet, History of his own Time, iii, 167.]

[We may observe that Lord Melfort, to whom the said Stuart was Secretary, was John Drummond, Earl of Melfort, King James's Secretary of State, and brother of the Earl of Perth. In 1700-1, he was concerned in a scheme to invade England; and had been excepted out of the Indemnity in 1690; Tindal].

The farr greatest part of the Elections in Cornwall, Wales, and the Cinque Ports, which are Eighty four, may alsono be secured for your Majest<sup>ie</sup>.

As a further satisfaction to your Ma<sup>tie</sup>, we humbly tender an account (soe farr as we could learne from the Electors), who they intend to choose in each of those Counties, Corporations, and Borroughs, from whence those of our number are returned, and what their inclinations are respectively, (viz<sup>t</sup>)

- WILTSHEIRE :** The County will incline to John Hall Esq<sup>r</sup>, who hath an undoubted intrest to be chosen, who is esteemed right; and S<sup>r</sup> James Longe, an acquaintance of the L<sup>d</sup> Yarmouths;† a right man; for these two the Dissenters and county in generall will vote, unless the Lord Cornbury be proposed and recommended to them, for whome a good intrest may be made.†
- SARUM :** Is a Corporation: the Election is in the boddy Corporate, who are receiving their charter; and though that Citty for y<sup>e</sup> generallity are cross to your Ma<sup>ties</sup> intrest, yett such persons are propos'd to be incerted in that charter, as intend to choose Bennett Swaine, and James Hely, who have great intrest in the Citty, and both undoubtedly right.
- WILTON :** Is a Corporation; the Election is in the boddy corporate; the Regulation propos'd being past, they will choose John Read, and Mr Grove, both dissenters. They have noe inclination to their former members.
- DOVNTON :** Is a Borrough: the Election Popular of above 100: they propose to choose S<sup>r</sup> Charles Raleigh, of whome they have no doubt; he being at great odds with the Church men; and Giles Eyres,‡ that hath bin verry violent, but ambitious of Honour, and supposed he will be right to reconcile himself to your Ma<sup>tie</sup>, of those two we are not soe confident.

\* Nominated Lieutenant of Wiltshire conjointly with the Earl of Pembroke and Montgomery. (See List of Lords Lieutenant *antea*.)

† See Lord Lieutenant's Report.

‡ Gyles Eyre was Recorder of Salisbury, and sat for it in 1688-9.

- HINDON :** Is a Burrough that chooseth by prescription. There are about 120 Electors, of which S<sup>r</sup> Matthew Andrewes\* hath about 50, as his Tenants. He is supposed right, but was not discovered by those on the place, he being then in London; nor noe persons yett named for this place; the former members have great intrest, but are not right.
- WESTBURY :** Is a Borrough that chooseth by Burgess Tenements. This towne is under the influence of the Earle of Abington,† who we know not how yett to engage; unless he will only propose Collonell Lewis, who may be inclined to be right; and then the Towne may be made for M<sup>r</sup> Trenchard, who is undoubtedly right, and hath soe declared himselfe.
- HEYTSBURY :** Is a Borrough, that chooseth by prescription. The Election is in a few. The Towne is under the power of M<sup>r</sup> William Ash,‡ who is a right man, who, with his brother Edward Ash, thots allso right, will undoubtedly be chosen.
- CALNE :** Is a Corporation. The Election is in the boddy Corporate, who by the Regulation proposed will be much under the influence of the Mayor of the Devizes, and Alderman Jeffreyes of that place. The towne hath yett proposed only S<sup>r</sup> George Hungerford,§ in whom they have a confidence that he is right; they will fix on another good man.
- DEVIZES :** Is a Corporation. The Election is in the boddy corporate, who are soe regulated, that they will undoubtedly choose S<sup>r</sup> John Iles, and Edward Hope, (their present Mayor), who are both right.
- CHIPPEHAM :** Is a Borrough that chooseth by prescription; about 80 tenements elect; they propose to choose Henry

\* Appears to be Sir Matthew Andrews, knighted (according to Le Neve) in 1673.

† First Earl of Abingdon; displaced by James II. from the Lieutenancy of Oxfordshire for refusing to propound his Questions.

‡ Both brothers sat for Heytesbury in 1678-9. William returned as "of Heytesbury," Edward "of the city of London."

§ Sir George Hungersford Knight, sat for Calne in 1678, 1679, 1680, and for county of Wilts in 1695, 1698, and 1700.

Baynton,\* and Richard Kent; of whom they are confident.

MALMESBURY :

Is a Corporation. The Election is in the body corporate, and if the Regulation be past, they will choose Walter White of Grittleton, a through right man; and another of whom they will be certaine. The Duke of Beaufort† undertakes for this place.

CRICKLADE :

Is a Borrough under the influence of Colonell Edward Webb and Mr. Charles ffox,‡ who tis supposed will stand for this place. Of these two we are doubtfull, though we hope they may goe right.

GREAT BEDWIN :

Is a Borrough and the Election popular. They desire to be incorporated, and have agreed on persons in order thereunto. They will choose such as shall declare themselves right. They are under ye influence of Marlborough, who will advise w<sup>th</sup> Dr Cox as to their choyse.

LUGGERSALE :

Is a Borrough. The Election popular; consists of about 75. They intend to choose Thomas Neale, who is supposed right, being ambitious to please your Majesty; and Henry Clarke, who is a very ill man, and nott to be reconciled to your Ma<sup>ts</sup> interest, except the feare of looseing his office in the Allination Office will engage him.

OLD SARUM :

Is a Burrough; the Electors butt few; it is supposed they will choose their old Members, Sr Eliab Harvey,§ and Sr Thomas Mompasson,|| who have

\* One of the Bayntons of Bromham. According to the Visitation of 1623 was probably "Henry Baynton, 2 sonne, æt 2, a° 1623," of Sir Edward Baynton Knight of Bromham.

† First Duke of Beaufort; cr. 1682, ob. 1699. (See Returns from Wales, &c.)

‡ Charles Fox of Water Eaton, co. Wilts; paymaster-general of the forces; son of Sir Stephen Fox; married daughter and heir of Sir William Trollope of Casewick in Lincolnshire; was M.P. for Cricklade in 1685, 1688-9, 1695, and for Salisbury in 1701.

§ Sir Eliab Harvey Knight, M.P. for Old Sarum in 1678, 1679, 1680, 1685; was apparently knighted in 1679.

|| Le Neve has this entry:—"Sr Thomas Mompesson of Corston abt 12 miles from Bath, parl<sup>t</sup> man for Salis'b'y." [Harl. MS. 5801.] He was knighted in 1661, in which year he sat for Wilton, being returned as of "Little Bathampton"; in 1678 and 1679, returned "of the Close Salisbury," he sat for Salisbury; in 1684-5 and 1680 for Old Sarum, and for the county in 1688-9; he sat again for Salisbury in 1695, and 1701, in which year he died, and was buried in Salisbury Cathedral. His son Charles was also M.P. for Wilton and Old Sarum.

always favoured the Dissenters, and bin for liberty.

**WOOTEN BASSETT.**—Is a Borrough that is under the power of the Earle of Rochester,\* and will choose such as his Lo<sup>pp</sup> shall nominate, which tis presumed will be such as your Ma<sup>ts</sup> will desire.

**MARLBROUGH** Is a Corporation ; the Election is in the boddy corporate ; there is a Quo Warranto issued against their Charter, and persons agreed upon to be named in a new one. They have consented to choose such as yo<sup>r</sup> Majesty, or Dr Cox shall recommend unto them."

[Here follow the Dorsetshire, Cambridge, Norfolk, Somersetshire and Devonshire Reports.]

"We further humbly acquaint your Majesty that for the other Counties, Corporations, and Burroughs, We cannot at present give soe Distinct account of them, there haveing not as yett bin any person sent to them ; but by answers to letters and information received, We have good reason to believe, that the greatest part by farr of those that will be chose for those places, will out of Inclination readily concurr with your Majesty, to abolish those Lawes and Tests.

All which is most humbly submitted to your Majesty."

[Endorsed]

" Report of Parliament men for  
 Wilts, Suffolke,  
 Dorsett, Essex,  
 Cambridge, Somersett,  
 Norfolk, Devon.  
 April 19<sup>th</sup> 1688."

[Rawl. MS. A. 139. B.]

\* Lawrence Hyde, first Viscount Hyde of Kenilworth, (second son of Edward, first Earl of Clarendon) ; created Earl of Rochester in 1682 ; was Lord Lieutenant of Ireland in 1701 ; and ob. 1711. (See foot-note p. 209 antea.)

"List of Persons Proposed as Deputy-Lieutenants and Justices of the Peace for the County of Wilts :—

Persons proposed to be Deputy Lieutenants :

S<sup>r</sup> James Long,  
 S<sup>r</sup> John Collins of Chute Lodge,  
 S<sup>r</sup> Henry Coker,  
 Coll John Windham of Salisbury,  
 Coll Chivers,  
 Chandler Esqr.

New ones :

Thomas Arundell Esqr,  
 Henry Arundell Esqr,  
 Coll Howard,  
 S<sup>r</sup> John Webb,  
 S<sup>r</sup> Anthony Brown of Lurgeshall,  
 Cottington Esq,  
 Trenchard of Gutheridge Esqr,  
 Lionell Duckett, Esqr.

Justices of the Peace :

S<sup>r</sup> John Ernley,  
 S<sup>r</sup> Stephen Fox,  
 S<sup>r</sup> John Talbott,\*  
     Hussey, Esqr,  
     Fitzherbert Esqr,  
 Francis Moore Esqr,  
 William York Esqr,  
 Scroope Esqr.

New ones :

Lord Sturton,  
 S<sup>r</sup> John Eyles of the Devizes,  
 S<sup>r</sup> William Pincen (*sic*),†

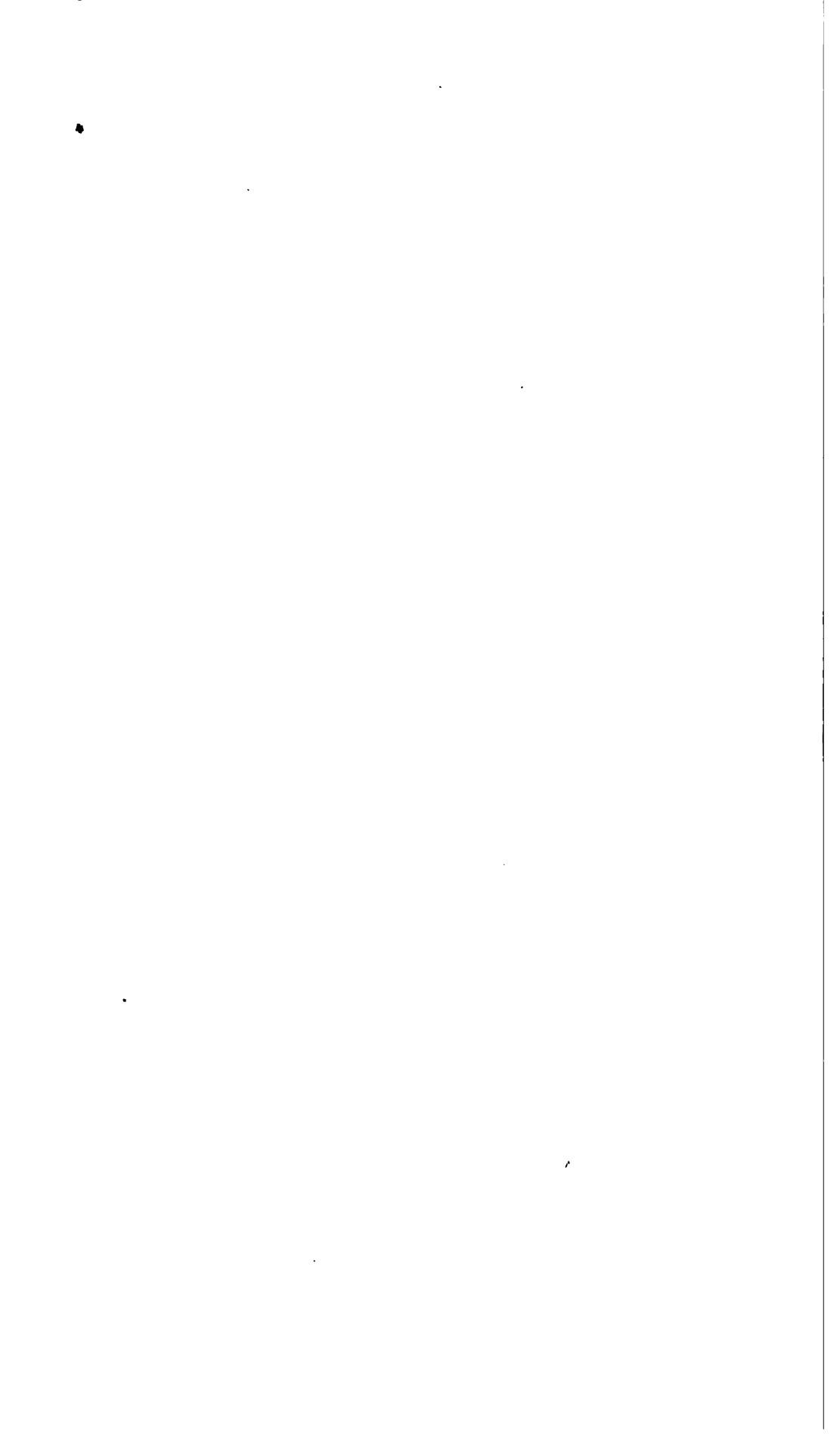
\* Sir John Talbot of Lacock ; knighted 1661, M.P. for Ludgershall in 1680.

† Sir William Pinsent (or Pynsent) of Erch or Urchfont in Wilts ; represented Devizes in 1688-9. He was created a Baronet by James II. in 1687 ; and was Sheriff of Wilts in 1694.

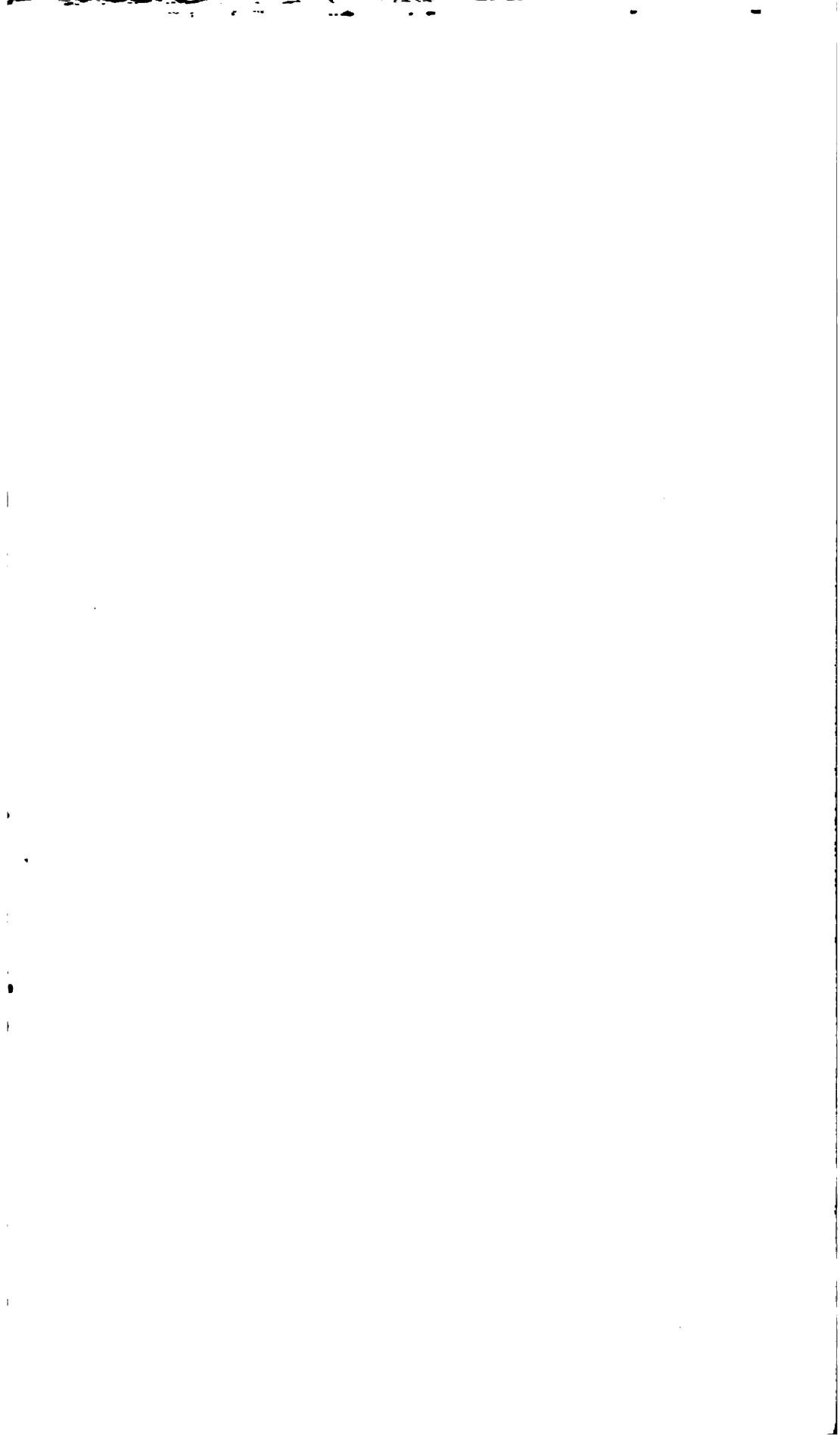
Coll, Stoakes,  
William Brown Esqr,  
Bodenham of Ramsbury Esqr,  
Knipe Esqr,  
Edward Hope Esqr,  
Robert Groves Esqr,  
Rider of Marlborough Esqr,  
Samuel Eyres Esqr,  
William Swain of Salisbury Esqr,  
[*James*] Heely of the same Esqr,  
[*Lionel*] Holton Esqr,  
Charles Mitchell Esq,  
Jacob Self Esqr,  
Nicholas Green Esqr,  
Walter Green Esqr."

[Endorsed],

Dep' Lts and Justices of Wilts,  
June 1688."



## **G**loucestershire.



# Penal Laws and Test Act;

PROPOSED REPEAL OF THE SAME IN 1687-8;

*In respect of the Magistrates, &c., of Worcestershire.*

[From the Original Documents in the Bodleian Library.]

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THE Lord Lieutenant of the county of Worcester, appears to have been in 1687, Thomas Hickman-Windsor, 1st Earl of Plymouth, a title which only became extinct in 1843. He had been raised to the Earldom in 1682, and on the accession of James II., was sworn of the Privy Council. He died about the period of these Test Act proceedings, *i.e.*, in November 1687, and we infer from the mention of his name in some of the Magistrates' Answers, that he had already commenced to canvass the county in the King's behalf.

Francis, second Baron Carrington of Wotton,\* in the county of Warwick, and Viscount Carrington in the Peerage of Ireland, who succeeded to the title in 1665, on the death of his father, (barbarously murdered near Paris),† had been appointed to re-

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\* Sir Charles Smith, Lord Carrington, and Baron of Wotton-Waven, co. Warwick, was so created in 1643, and in the same year Viscount Carrington of Beresford, in the Peerage of Ireland. The title became extinct in 1706.

† The facts in connection with this murder are worthy of note:—Letter from Sir Robert Paston, (afterwards Earl of Yarmouth), to his wife, (among Sir H. Ingilby's Papers), dated March 2nd, 1665:—"My Lord Carrington, a Peer of this realm, a Roman Catholic, was the last week most barbarously murdered at Pontoise near Paris by his man, who gave him 27 wounds in his bed, locked the door, persuades the landlady his Lord had sent him to Paris, and bade her that none of the footmen should offer to enter until he knocked, having rested ill the night before, and desirous to make out his sleep; so he takes horse with all the money, some 400l, and leaves the rest of the servants to find their Lord in this pickle. He was a Dutchman."

place Lord Plymouth in the Lieutenancy of the county, and as a rigid Roman Catholic was suitably selected for the post to carry out King James's views. He had made himself somewhat notorious at the time of the passing of the Test Act in the previous reign, and was also one of those accused as a conspirator in 1678, in the real or pretended plot of Titus Oates. [Hist. MSS. Com. vii, 494.]

The Earl of Plymouth's name occurs on one or two occasions in the Answers of the Magistrates ; and Robert Brent, to whom Lord Carrington writes in the subjoined letter, is named particularly in the King's Secret Instructions [S. Sussex Test Act Returns], as one with whom the King's Agents, sent into the country to influence the elections, are ordered to communicate. Judging from the Returns, the Catholic element in this county was influential, and in many respects preponderant.

### Return from the Lord Lieutenant of the County of Worcester.

In obedience to his Ma<sup>ties</sup> commands, I have taken the

[Hist. MSS. Com. vi, 364.] Lord Carrington's daughter happened to be one of the nuns at the Benedictine Convent of Pontoise at that time, and the Herald and Genealogist adds a few further particulars from a MS. journal in the possession of Sir Thos. Winnington. Describing the churches of Pontoise, the journalist observes :—" St. Macloue is the fairest of all, with a square steeple of freestone. In this, the first monument and inscription I cast mine eye upon, was y<sup>t</sup> of an English gentleman, who was assazined (*sic*) by his servant, a French fellow, his *valet de chambre*, who made his escape after it for some time, and the master of the house being a magistrate of the town, and his whole family, where this gentleman lodged, were secured and a guard sett upon them, by order of the other magistrates, until the malefactor was found out, which cost y<sup>t</sup> master of the afores<sup>d</sup> house over 200 *Louis d'or*, or French golden pistols, in scouts. At length the murderer was took in a cabaret and gameing-house not farr from this town, and for this notorious fact of having stabb'd his master in several places as he lay in his bed, and stole away his moneys, he rec'd sentence to be broken on the wheele; which accordingly was done." The said monument was erected by Lord Carrington, the Lord Lieutenant under notice, his son and successor, and the inscription is given [in H. & G. iii, 63.]

Answeres of the Deputy Lieuten<sup>t</sup>s and Justices of the Peace for the County of Worcester (to the Questions proposed),\* which were to the purpose following :—

- + †S<sup>r</sup> Henry Littleton Baronett, Deputy Lieut-  
tenant and justice of the peace,
  - + S<sup>r</sup> Edward Dingley Kn<sup>t</sup>, Deputy Lieutenant  
and justice of the Peace,
  - + John Holmden Esq<sup>r</sup>, Justice of the Peace,†  
Richard Greaves, Lieutenant of Horse,
  - + S<sup>r</sup> Thomas Hasslewood K<sup>n</sup>t, Justice of the  
peace,§
  - + Thomas Vernon Esq<sup>r</sup>, Justice of the peace,
  - + Thomas Jolliffe Esq<sup>r</sup>, Justice of the peace.
- } Consent.
- } Consented, if provi-  
sion were made for  
security of the Pro-  
testant Religion.
- 

### Justices of the Peace y<sup>t</sup> are Catholiks.

- + Thomas Arundell Esqr,
  - + Gilbert Talbot Esqr,
  - + Sr Robert Throckmorton Baronett,
  - + Sr Walter Blount Baronett,||
  - + Sr John Yates Baronett,
  - + Sr Isaack Gibson Knight,\*\*
- } Consent.
- 

\* None are given in this Return; see Returns of other counties.

† These names have all "crosses" prefixed to them in the original; being chiefly Catholics on whom the King could rely.

‡ Lydia, daughter and heir of John Holmden of Crowle, co. Worcester, married Richard Amphlete of Hadsor.

§ Sir Thomas Haslewood of Wick in Worcestershire, was knighted in 1681 (Le Neve.)

|| Sir Walter Blount of Sodington in Worcestershire; married daughter of Sir Cæsar Wood (or Cranmer) of Whitehall, Knight.

\*\* Sir Isaac Gibson of Combe Abbey in Warwickshire, was knighted in 1674. Was (according to Le Neve) living at Worcester in 1700, (who adds) where "Mr. Salvetti (son of the Resident Minister from the D. of Tuscany) saw him at his clubb."

- + Ralph Sheldon Esqr,\*
  - + Thomas Abington Esqr,
  - + Thomas Hornyold Esqr,<sup>†</sup>
  - + William Gower Esqr,
  - + John Russell Esqr,
  - + Charles Carloss Esqr.
- } Consent.
- 
- + Henry Jeffryes Esqr, Acknowledged that he was fully satisfied that both the Penall Lawes and Test ought to be taken off, and that he did not doubt but he should continue in the same minde, but desired to be excused from making any solemne promise, in regard he did not knowe how much the arguments he may heere in the house (if he should be chosen), might change his minde; And as concerning his giveing his Assistance in the Second Quere, he replyed, he was ingaged to promote the Election of Sr James Rushworth,<sup>‡</sup> who my Lord Plimouth assured him would satisfie his Ma<sup>tie</sup>; and to the Third, he fully consented.

Will<sup>m</sup> Bromley Esqr, Spake much to the same purpose, but more Deputy Lieutenant.<sup>§</sup> Doubtfull.

\* Ralph Sheldon was one of King James's Equerries, and son of Edward Sheldon, third son of Edward Sheldon of Beoley, in Worcestershire. One of his brothers, Dominick, was a General in the service of France; and another, Lionel, Chaplain to Mary of Modena. His sister Lady Tuke was a Lady in Waiting to Katharine of Braganza; and her son, Sir Charles Tuke, died of wounds received at the Battle of the Boyne. This magistrate, (or his uncle Ralph of Steeple Barton), will probably be the same who, at the time of the Titus Oates Plot in 1678, was sworn against as one of those "that were to manage the forces about London; who in the west, who in the north, &c., &c." [Hist. MSS. Com. vii, 495.] He was the same Ralph who was bearer of a letter to James II. from the Duke of Monmouth, when captured after the Battle of Sedgemoor in 1685, [S. Monmouth's Letters.] He was in attendance on James II. when stopped at Feversham [Hatton Correspondence, ii, 124.]; and appears to have died in France about 1723.

† The name is also known as De Horningwold or Hornywold. The family and its branches were of Bradon, Blackmore Park, and Hanley Castle, all in co. Worcester.

‡ Sir James Rushworth Bart, was elected in the next Parliament of 1688-9 for the county of Worcester, and sat in that of 1689-90 for the borough of Evesham. [C.O.L.]

§ See *postea*.

Samuel Sandis Esqr,  
Deputy Lieutenant,\*

Made greate declaration of his Loyalty to his Ma<sup>tis</sup>, and mentioned the great losses his ffather had sustained for assisting his Ma<sup>des</sup> ffather. That as to the first Query, he sayd he did not knowe his own minde, found he changed his opinion on other occasions, and therefore would not promiss, not knowing whether upon heareing the debates in Parliam<sup>t</sup>, he might not be prevaild upon to falsifie his promiss, But at present he was of opinion that both the Penall Lawes and the Test ought to be taken off, but believed he should not be a Parliament man, his sore eyes and other infirmities rendring him unfitt. He consented to the Third Quere.

Sr Francis Russell  
Bar<sup>t</sup>, Deputy Lieu-  
tenant,†

Sayd he did not pretend to be a Parliament man, but in case he were, he conscived it not fitt to declare his minde untill he was in Parliam<sup>t</sup>, but acknowledged he could not consent to the takeing away of the Test, because it was cheifely promoted by the late Kings Servants, and those esteemed the Court party, which he observed being at that time a Member in Parliament. To the Third Quere he hopes his neighbors could Testifie his compliance therein.

Sr Rowland Berkley K<sup>nt</sup>, Made profession of Loyalty, sayd he was 70  
Deputy Lieutenant,: yeares of Age, and thick of heareing, and there-  
fore was no way fitt for a Parliament man, so  
desired to be excused from giveing any other

\* Samuel Sandys sat for the county of Worcester in 1660, 1661, 1678, and the borough of Droitwich in 1680, and apparently also in 1640; his son Samuel Sandys of Ombersley, the magistrate here named, represented Droitwich in the same county in 1661, 1678, and in 1688-9, and died in 1701, as per monument to his memory at Ombersley. This magistrate's grandson was the first Lord Sandys, so created in 1743.

† Second and last Baronet of Strensham in Worcestershire. His father, Sir William, was created a Baronet in 1626.

‡ Sir Roland Berkeley Knight, sat for the city of Worcester in 1661. He was probably of the same family as the Berkeleys of Spetchley in that county.

Answer to the first Query, And as to the Second he was ingaged to promote the election of Sr James Rushworth, being told by my Lord Plimouth he was a person would comply with his Ma<sup>m</sup>. To the Third Query he consented.

S<sup>r</sup> William Keyte Bar-  
ronett, Deputy Lieu-  
tenant,\*

Hopes it will not be ill taken that he cannot consent to the taking away either of the Penall Lawes or Test, and sed (sic) he had spent roolb in the Expedition against Monmouth, though he had not received any of the Kings money; And as to the Third Quere, he doubted not but that his carriage to his Neighbours gave sufficient Testimonie of his complying therewith.

S<sup>r</sup> Thomas Cooke,  
Baronet,† Deputy  
Lieutenant formerly,

Hath bin absent from Worcestershire about two yeares, and very sickly, so not able to be a Parliament man.

S<sup>r</sup> John Packington,:  
Deputy Lieutenant,  
and Justice of the  
peace; his Answer to  
y<sup>e</sup> Queryes.

i. The principall intent of the Test and Penall Lawes, (amongst which the Act of Uniformity is to be reckoned (sic) of the greatest importance), being to secure the Protestant Religion, till I am convinced that it is now in less danger then (*than*) when those Lawes were enacted, or some better security shalbe proposed then (*than*) they offered us, I humbly conceive they cannot be taken off without eminent hazard (if not Ruine) to the Church of England, of which /

\* Sir William Keyt succeeded his father in 1662 as second Bart, two years after his creation in 1660. He married the daughter and heir of the Hon<sup>ble</sup> Francis Coventry, second son by his last wife, of Lord Keeper Coventry. The title became extinct in 1784. He is also named in the Gloucestershire Returns.

† Sir Thomas Cooke (or Cookes) of Bentley Pauncefoot and Norgrove in Worcestershire, was the second Baronet, and celebrated as the Founder of Worcester College, Oxford. He married Lady Mary Windsor, daughter of Thomas, Earl of Plymouth.

‡ We infer from the language of these Answers, that the Sir John Packington, (here named), was the fourth Baronet of Westwood, who succeeded in 1688. He was M.P. for Worcestershire during nearly his whole life, i.e., from the age of nineteen, and was ancestor of the present Lord Hampton; being a remarkable supporter of the rights and liberties of his country.

I profess my selfe a Member. I can neither in conscience nor Honour, (if a Parliament man), consent to the Releasing a Title that relates to its Protection and support.

2. Ffor what is not justifiable when done in ones owne person, can certainly never become so, if done by proxy, for which reason neither can I contribute to the electing of any that shall be inclined to Abrogate the Penall Lawes, that being in effect to promote that action in another, which I my selfe disapprove.

3. Liveing friendly with men of what perswasion soever, is a doctrine soe suitable both to my inclinations and constant practice, that before I growe mutenous (*sic*), I must offer all the violence immaginable both to nature and Custome, and therefore [*it*] were superfluous to tell yo<sup>r</sup> Lord<sup>pp</sup> how readily I can concur with this proposall, with which, if in any circumstance my future behaviour should not perfectly agree, Yo<sup>r</sup> Lord<sup>pp</sup> may conclude it my misfortune and not my fault.

#### Justices of Peace Absent.

S<sup>r</sup> Charles Holt Baronett,\*

William Ward Esqr,

S<sup>r</sup> John Barnyby K<sup>m</sup>,

Henry Parker Esqr,†

John Hinkley, Do<sup>r</sup> of Divinity.

Absent.

S<sup>r</sup> Edward Dingley‡ is esteemed a fitt man to be Burgess of Eves-

\* Sir Charles Holt (or Holte), third Baronet, and M.P. for county Warwick in 1685. The title became extinct in 1782.

† The Recorder of Evesham, and M.P. for that Borough in 1678 and 1688-9.

‡ Sir Edward Dingley of Charlton, knighted 1681. The family of Dingley or Dineley held Charlton in Crofton, near Evesham, Worcestershire, which terminated in the male line with the above justice, whose daughter and heir married Edward Goodere, afterwards made a Baronet.

ham, tho' in respect of his ill health not wishing to stand, therefore S<sup>r</sup> Thomas Hasslewood is thought the most probable to prevent others that will not comply, and in the next place the present Recorder.\*

And for Beudley [*Bewdley*] S<sup>r</sup> Charles Littleton† will probably be elected. I designed S<sup>r</sup> Henry Littleton† to stand for Worcester or the county, but he replied his intent lay in another county.

+ S<sup>r</sup> Charles Littleton.

(Endorsed),

County of Worcester,  
March 168 $\frac{1}{2}$

[LETTER FROM LORD CARRINGTON TO ROBERT BRENT ESQ.]

Dear Cosen,

I was in hopes to have seen you before I left London, and to that end tarryed at home till after the tyme appointed: I have therefore endorsed a List of such persons whoe (as I am well informed) are worthy of those trusts and employments therein specified, soe that I must leave them to your considera'con, and that if they are approved off by the Lords Com<sup>rs</sup>, I may have a Warr<sup>n</sup> for granting deputations to them accordingly, I meane as to the Deputy Leutens<sup>ts</sup>: I hope you will send me downe the account you promissed to prepare for me, and lett me know whether you have any account conserning S<sup>r</sup> Edward Smith his estate in Bishoprick (*sic*), as also conserning the young man; thus in hast,

Your affectionate Kinsman

and Servant,

(Signed),

CARINGTON.

Wotton,  
May 18<sup>th</sup> 1688.

\* The Recorder of Evesham was Henry Parker, and he was returned to represent that borough in the next Parliament of 1688-9.

† Sir Charles and Sir Henry Lyttelton (as now spelt) were brothers, and both active in the royal cause, and succeeded as second and third Baronets. Sir Charles Littleton (the younger brother), sat for Bewdley in 1685, and died 1716. The family was of Frankley, in Worcestershire, from which descends the present Lord Lyttelton

(Enclosure),

[Persons proposed as Deputy Lt<sup>t</sup>, and Justices of the Peace.]

Thomas Coventry Esqr, eldest son to the L<sup>d</sup> Coventry, Deputy Lt<sup>t</sup> and Justice of Peace,\*

John Ward Esqr, eldest son to the L<sup>d</sup> Ward, Deputy Lt<sup>t</sup> only,

William Ward Esqr, brother to the L<sup>d</sup> Ward, Justice of the Peace,

Littleton Cleint Esqr, Justice of the Peacet

John Hinkley, Dr in Divinity, Justice of the Peace,

Thomas Savage of Elmley, Esqr, Justice of the Peace,

S<sup>r</sup> Edward Seabright Baronet, Deputy Lieut<sup>n<sup>t</sup></sup>;†

Edward Goodeere Esqr,§ } Officers in the Militia,

Ffrancis Sheldon Esq,

S<sup>r</sup> John Barneby K<sup>m</sup>, Justice of the Peace,

S<sup>r</sup> Thomas Haselwood K<sup>t</sup>, Deputy Lieut, and Justice of the Peace,

William Bromley Esqr, Deputy Lt<sup>t</sup>, and Justice of Peace,||

Thomas Cornwall of Burford Esqr, Justice of Peace,

Thomas ffoley Esqr, Justice of Peace.\*\*

(Addressed),

For

Robert Brent Esq<sup>ff</sup> att his  
Chamber in the Middle Temple,  
London.

\* Succeeded his father as second Earl of Coventry in 1699.

† This name occurs in the Visitation of Worcester of 1634.

‡ Sir Edward Sebright was the third Baronet. His son was murdered near Calais in 1723, and was one of the party recorded in the Epitaph written by Dr. Jebb commemorative of the event. (See foot-note to Monmouth's Letters, p. 12.)

§ Edward Goodere, the eldest son of John Goodere (or Goodyear), of Burhope, co. Hereford, was M.P. for Evesham, having married the daughter and heir of Sir Edward Dinely Kn<sup>t</sup> of Charlton, in Worcestershire, by a daughter of Lord Rockingham; and was created a Baronet in 1707.

|| William Bromley was M.P. for Worcester in 1688. Is alluded to in foot-note overleaf.

\*\* Thomas Foley of Great Witley, sat for Bewdley in 1660, he represented the county of Worcester in 1678-9, 1680, 1688-9, and in 1698 the borough of Droitwich [C. O. L.]; his son Thomas Foley sitting the same year for Stafford. He appears to have died in 1700.

†† Robert Brent, here named, a kinsman of Lord Carrington, belonged undoubtedly to the legal profession. The name is connected with Gloucestershire, Kent, and

(Endorsed),

Lord Carington, about Justices;

(Seal in red wax ;—abstracted.)

### DISSENTERS

To be added to the Comission of the Peace for the county of Worcester.

Sr John Huband Barr\*,

Thomas Foley Esq<sup>r</sup>,

Richard Dowdeswell Esq<sup>r</sup>,†

Somersetshire, of which last are the Brents of Cossington. A few years earlier, and probably of the same family, was Sir Nicholas Brent, Vicar-General to Archbishop Laud in 1634, and Chief Justice of the Court of Delegates in 1641, and at the time of these Questions will be seen Robert Brent, one of the acting Gloucestershire magistrates. The person, however, named in the text, was apparently the Crown Prosecutor of that day, and had been much employed by the Government in the late reign. This is manifest from correspondence given in the Hist. MSS. Com. between himself, Lord Yarmouth, Lord Middleton, Lord Preston, and others. Reresby, (Memoirs, p. 402), names him as the "Agent in matters of Corporations." He was thus of necessity connected with the King's Board of "Regulators," called by Reresby, "the Lords for the purging of Corporations;" and he is named in the King's Secret Instructions to his Agents, as the proper person to whom they are to address themselves. His name also occurs in Lord Clarendon's Diary of March 19th, 1688 (ii, 35) :—Lady Tipping, on whom Lord Clarendon had called, tells him, with reference to some law business: "She had offered Mr. Brent £200 to get a *noli prosequi*." His daughter married, (as per Harl. MS. 5801, f. 164), Sir John Littcott, and she is named as daughter of "Robert Brent Esq, the famous p'secutor of King James time."—Whilst the Prince of Orange was gradually advancing on London, and the King had returned to Whitehall from his fruitless expedition to Salisbury, Brent writes the following letter to Charles, Earl of Middleton, (Principal Secretary of State):—1688 Nov. 17th.—Letter from Robert Brent to Lord M (Middleton):—"Press on the King to make no treaty, and call no Parliament, until the suppression of the Rebellion; to venture his Crown; if he lose it, it will be but for a short time; an usurper can only be supported by force." [Lord Spencer's Papers; Hist. MSS. Com. ii, 14.] Other extracts quoted in these Returns show him to have been a leading character in the political transactions of the time; and that he was one of those excepted out of the Act of Indemnity in 1690, is an additional proof of it.

\* Sir John Huband was created a Baronet by Charles II., and ob. 1710.

† Robert Brent to Lord Preston:—"I pray be pleased to move the King to change the sheriff lately named for Worcestershire, viz. Richard Dowdeswell Esq, whose father lately served that office. There are others more fit for the King's service, viz. Sir Henry Littleton, or Allen Cliffe Esq, or Mr. Bromley. [Sir Fredk. Graham's Papers, Hist. MSS. Com. vii, 409.]

William Liggon [*Lygon*] Esqr.;  
John Sumers Esqr.  
Roland Bartlett Esq, Catholicke,  
Henry Pattishall Esqr.,  
Robert Foley Esqr.,  
+ —— Coventry Esqr.,  
William Ward Esqr.

Com' Wigorn,

[*Here follow the same names as those enclosed in Lord Carrington's letter to Mr. Brent.*]

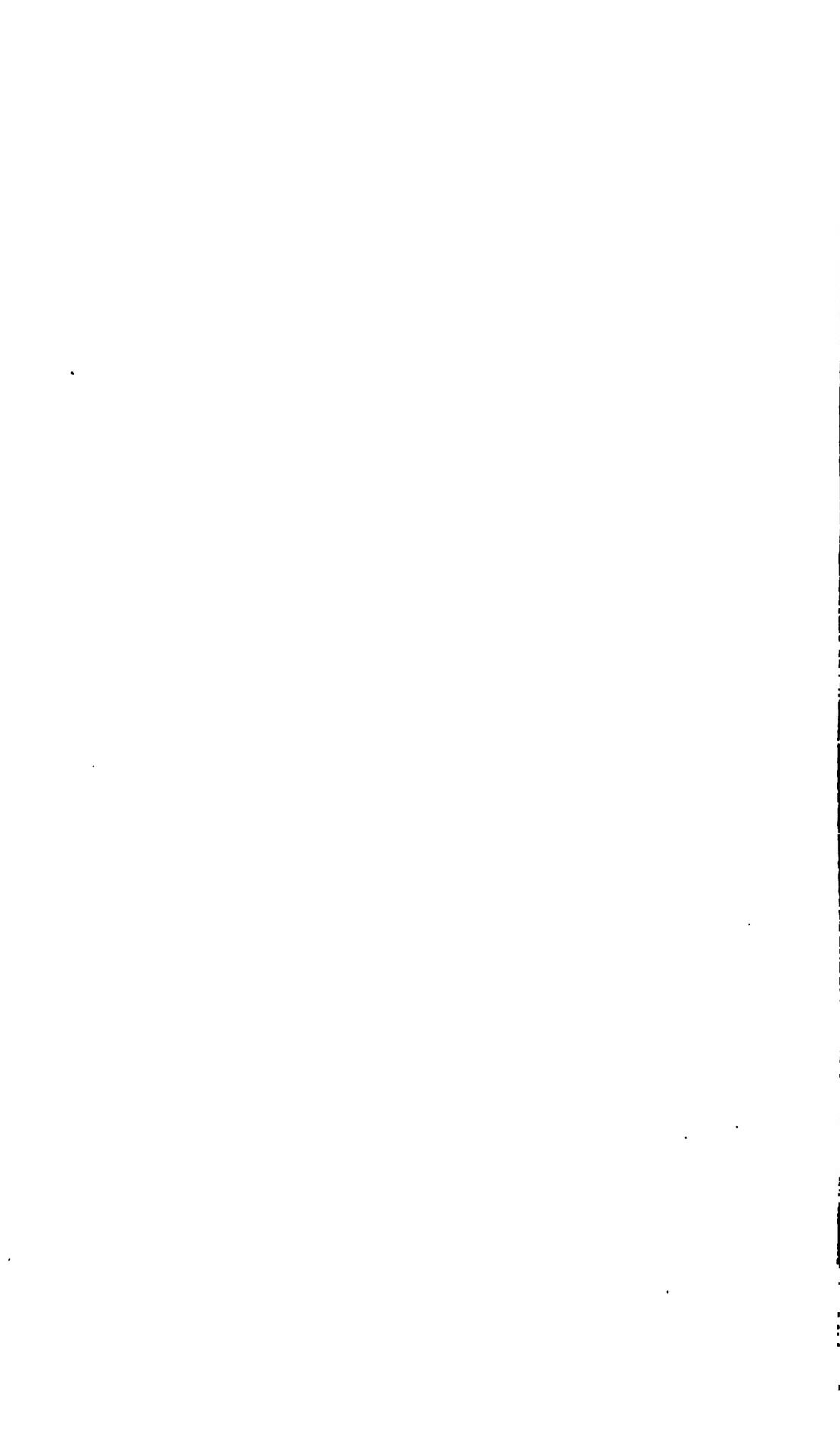
(Endorsed),

Dep<sup>t</sup> Lieu<sup>w</sup> and Justices for Worcestershire.

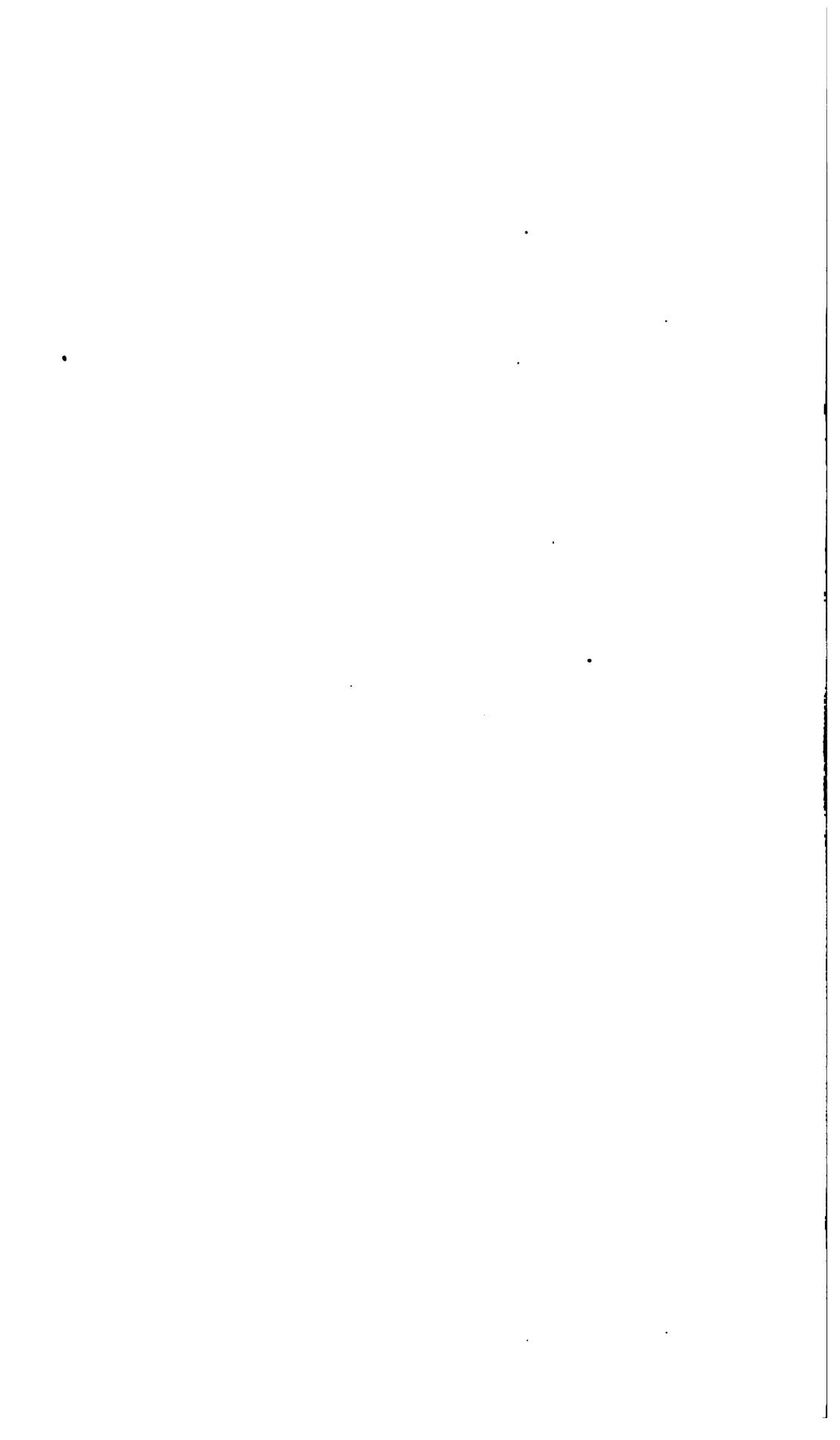
[Rawl. MS. 139 A, ff. 181 seq.]

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‡ Ancestor of the present Lord Beauchamp.



Principality of Wales;  
WITH  
Gloucester, Monmouth, Hereford,  
and Bristol.



# Penal Laws and Test Act;

PROPOSED REPEAL OF THE SAME IN 1687-8;

*The Circular Questions propounded by James II., on that occasion, to the Deputy Lieutenants and Magistrates of the Principality of Wales; with the contiguous counties of Gloucester, Monmouth, Hereford, and Bristol.\**

[From the Original State Papers in the Bodleian.]

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THE subject of the following Paper refers to certain Questions proposed by James II. in 1687-8 to all the Deputy Lieutenants and Magistrates of the different Welsh counties, in respect of the abrogation of the Test and Penal Statutes. The Answers and Returns to these interrogatories are embodied in one of the Rawlinson MSS. in the Bodleian Library, together with those from most of the English counties, and their historical value is much increased from the fact that the documents are *Original*.

The Replies from Cumberland, Westmorland, Yorkshire, Sussex, and Wiltshire have already been published in the Archæological Collections of those counties, so that little remains to be added by way of preface to what has already been said in them to the above measure of James II.

The Returns, as a rule, from all the English counties, proved unfavourable to the King's object, and those from Wales in answer to his circular Questions were no less so. It must be admitted, however, on comparing the lists from the different

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\* Reprinted, with additions, from the *Archæologia Cambrensis*.

counties, that the Return from the Principality, shows a larger proportion of Catholics, and others, on whom the King could rely, than elsewhere. This arose partly no doubt from the Lord Lieutenant's own religious tenets ; much, possibly, from his personal influence, and the constant zeal he displayed for the Royal interest in his official capacity, united as it was with the Presidency of Wales.\*

Before proceeding to recapitulate the several Answers returned to the Lord Lieutenant, it may be desirable to refer to the Instructions given on this occasion to the Secret Agents sent into Wales to influence the constituencies ; for both the Questions propounded by James II.'s command, and the Instructions given to his Agents sent specially into the country for the above purpose, had one and the same object in view, namely, by tampering with the elective element and the Corporations, to obtain the return of a Parliament amenable to his wishes, and favourable towards carrying the abrogation of the Test and Penal Statutes. This was a measure which the King had kept constantly in view from the time, when Duke of York, during his brother's reign, he had been compelled by the passing of the Test Act to relinquish his several appointments, and which, on succeeding to the Throne, he had concentrated all his endeavours to accomplish and carry out.

The Public Record Office enables us to furnish the King's Agents Secret Instructions :—

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\* We infer this very much from entries in the so-called "Beaufort Progress through Wales," made in 1684, the particulars of which are noted from a MS. [Notitia Cambro-Britannica], among the muniments at Badminton, by Mr. Thomas Dineley, who accompanied the Duke on that occasion; one of the principal objects of the Lord President's progress being "to keep up a loyal and political interest in the Corporations." The late Mr. Gough Nichols observes [H. & G. iii, 229] in reference to this periphrasis of the Principality in 1684, that it was "rather an extraordinary measure undertaken principally for political ends, and with a view of strengthening the dwindling loyalty of Welshmen towards the House of Stuart. During the journey his sole ostensible business seems to have been to review the militia of the several counties, and to receive the ovations of the Corporations, one of which (Cardiff), is said to have surrendered to him its charter with very suspicious alacrity;" and Mr. Nichols adds elsewhere, with respect to the surrender of their charters, not only voluntarily, but with great manifestations of joy:—"Probably to this medallion there was a reverse, to be read only in the next reign."

**Instructions for those that shall go into Wales.**

1. You shall make the K's Declaration the chief subject of discourse with such persons as you think fit to speak with, &c.
2. You must make it your principal care to settle the minds of people, especially of those that are designed for Members of Parliament, or such who doe, or are likely to come up to the K's measures, in relation to the *Penal Laws & Tests*, against all endeavours, which may be made by the K's adversaries for diverting the effects of his good intentions, & it being very probable that when the Parliament shall meet, this will be chiefly endeavoured by some indirect means, as by attempting to make some difference between the K. and his two Houses of Parliament, or either of them, or by starting somewhat, which may be a dispute between the two Houses, you are particularly to forewarn and caution all persons who are likely to be Members against this artifice.
3. You are to assure those that are of the *Ch. of England*, that his Ma<sup>tie</sup> will maintain the same according to his word.
4. You are to engage all people of what perswasion whatever, to live friendly together, as becomes fellow Subjects, desposing them to unite their endeavours to render effectual his Ma<sup>ties</sup> gratiouis intentions for their ease and advantage, & you are to tell them, that his Ma<sup>tie</sup> will favour them most as shall be of that peaceable disposition, as to sacrifice all private animosities to the publick good.
5. You are to remove as much as may be, all fears and jealousies out of peoples minds, by telling them his Ma<sup>tie</sup> only designs the universal happiness of all his people.
6. You are to make acquaintance with the leading, active, and interested men in the country, or in the Towns and Corporations, who are inclinable to abrogate the *Penal Laws* for religion, and the *Tests*, and engage them to improve their int'rest for effecting it.
7. You are to inform yourself, (as privately as may be), whether the persons proposed to be chosen, by the list given you, be rightly principled, and so disposed to part with the laws, as may be depended on.
8. You are to inform yourself whether the regulations made in the respective Corporations have been of proper persons for his Ma<sup>ties</sup> service.
9. You are to inform your self who are the Electors in the respective *Corporations and Burroughs*, and by what manner Elections are made,

who influences them, and who are fittest to be chosen in those places, where none are yet proposed.

10.—of the behaviour of the officers of the several branches of his Ma<sup>ties</sup> Revenue in relation to Elections, whether they promote his Ma<sup>ties</sup> int'rest as they ought to do, and further what in them lies, *the Repeal of the Penal Laws and Tests.*

11. To acquaint your selves with the Preachers of the Dissenting Congregations, and encourage them to employ their int'rest, for the abrogating those *Laws & Tests*, and if you find any of them dissatisfied, enquire who they correspond with in *London*, and give notice of it.

12. To inform your self of some fit person in each *Corporation*, with whom a correspondence may be held for the knowldg(e) of the true state of the same, and to whom books and papers may be sent, to disperse them for the peoples better information.

13. You are from time to time to advise with the Catholick gentlemen.

14. You are likewise to inform those you converse with, that *Liberty of Conscience* hath been the cause of the Hollanders great trade, riches, and power, &c.

15. You shall take care to make all persons understand, that the late proceedings against the Bishops\* were necessary to support his Ma<sup>ties</sup> Declaration for *Liberty of Conscience*, which the King will always maintain, as likewise his Prerogative, on which it is founded.

16. That their disobedience and their Petition, were designed only to obstruct the meeting of the Parliament, and to prevent the establishing of what they apprehend &c., which is so far from discouraging his Ma<sup>ties</sup>, that he is more resolved than ever to pursue this great work, not doubting to effect it, whatsoever opposition he may meet with.

[State Papers, Domestic, James II.; Bundle 7, No. 405.]

The Lords Lieutenant to whom was delegated the task of putting the King's circular Questions to the Deputy Lieutenants and Magistracy in their respective Lieutenancies, as to how they

\* See Westmorland and Cumberland Returns *antea*.

would act when called upon to return their Members to the next Parliament, were, in many cases, unwilling to comply with the King's wishes, and under such circumstances were summarily removed. So many in fact were the removals and fresh appointments of these functionaries at this particular juncture, that but for the prefatory List which heads these different Returns, it would be somewhat difficult to identify them, for their tenure of office was destined to have but short duration, and the Lords Lieutenant removed by James II. were in many cases reinstated, not only by himself, but by the Prince of Orange, while the King's fresh appointments have not been so historically handed down as to be generally known. The Lord Lieutenant, however, who presided over Wales at that time was, as a Catholic, in the King's interest, and of course retained his office. Henry, Duke of Beaufort, had the Lieutenancy over the whole Principality, in addition to the four English contiguous counties of Gloucester, Hereford, Monmouth, and Bristol. As has been observed, he was a Catholic, and remained loyal to James II. to the last; for on the accession of William of Orange, he refused to take the oaths or to recognise him as his lawful Sovereign, and retired from Court and public life, maintaining his allegiance to the King.

Lord Clarendon relates in his "Diary," how, before James left the Kingdom, efforts were set on foot to bring about an "accommodation" with the Prince. In this endeavour, however fruitless, the Duke's co-operation was not wanting.\*

There are several despatches extant among the present Sir F. Graham's Papers, and elsewhere, testifying to the Duke's fidelity to James II., and the two noted below may be appropriately quoted in proof of it.†

\* Cf. Diary of Henry, Earl of Clarendon, ii, 116, 124.

† The following despatch to the Duke of Beaufort authenticates some particulars not otherwise noticed. Some of the names recommended by the Duke will be seen in the ensuing Returns, those namely, of Sir Robert Owen, Lord Bulkeley, Sir William Williams, and Mr. Serjeant Geeres; and we have remarkable proof in it of those concessions wrung from the King to remove many of his Catholic Lords Lieutenant at that critical time, in respect at least of Wiltshire and Somersetshire,

As the third Marquis of Worcester, he had been elevated in 1682 to the Dukedom of Beaufort, and his death took place in 1699.\*

for the removal of the Duke of Berwick, his son, from the Lieutenancy of Hants was probably accompanied by other motives, which have not transpired. It is dated from London, the very day after the landing of the Prince of Orange:—1688, Nov. 6<sup>th</sup>. Lord Preston to the Duke of Beaufort.—“I am to acquaint your grace that it hath not yet pleased his Majesty to declare his pleasure concerning Mr. Serjeant Geeres. I am further to acquaint your grace in answer to what you write concerning Sir Robert Owen, that I found his Majesty very ready to have complied with your request concerning him, if he had not some time before the arrival of your letter had advice of the death of my Lord Bulkeley, and also disposed of the Vice-Admiralship of North Wales to Sir Wm. Williams, his lordship's son-in-law. His Majesty hath also commanded me to let your grace know that he doth receive very kindly the expression which Sir Robert Owen makes of his duty and loyalty to him, in his offer of raising 500 men for his service in this hazardous and troublesome conjuncture, and tho' at present he doth design to make no more levies, yet he shall not fail upon the first opportunity to let Sir Robert find the effects of his favour and kindness. He doth order your grace to give him thanks in his name, as also to Mr. Pugh and Mr. Mostin (*sic*), whose seasonable and dutiful offers, tho' at present he doth not accept them, his Majesty will by no means forget. I have acquainted the King with what your grace writteth concerning Coll. Carne, and his Majesty ordereth me to let you know that he would not have him proceed in his levies, till his further order be signified to him. The King is very sorry to have so ill an account of the inclinations of some of his subjects in those countries, where your grace at present is, but he commands me to let you know that he is very well pleased with your grace's care of his concerns there, and that he doth not doubt of your continuing it, he having an entire confidene in you, and tho' he should be very glad to have you with him, if he goeth into the field, yet your presence where you are is so absolutely necessary to the welfare of his affairs in those countries that he can not think of removing you. My Lord Stawel is made Lord Lieutenant of Somersetshire in the place of my Lord Walgrave, and I believe there will be an alteration speedily in Wiltshire. My Lord Delaware is Lord Lieutenant of Hampshire in the place of the Duke of Berwick. [*The remainder of the letter tends to fix the date.*] We have this afternoon advice that the Prince of Orange hath been seen with his fleet upon the coast of Devonshire, and his Majesty hath commanded me to let your grace know that he is sending troops towards you at Bristol, which are now upon their march. . . . [Hist. MSS. Com. vii, 348; Official Papers in possession of Sir Frederick Graham B<sup>t</sup>.]

The second letter refers to the Parliament which the King had given out in less than three weeks after that he had determined to call:—1688. Dec. 1<sup>st</sup>. London, Lord Preston to the Duke of Beaufort.—“I am to acknowledge your grace's last letter to me, and also to acquaint you that I have just now received a petition, signed by your grace and several other persons of quality of the county of Gloucester to his Majesty, for the speedy calling of a Parliament, which I did present to him, tho' thanks be to God he hath anticipated the answer by ordering writs to be issued out upon Friday last, which will certainly be sealed upon Monday; however, he took it in very good part, and commanded me to let your grace know so much. [Sir F. Graham's Papers; Hist. MSS. Com. vii, 350.]

\* The Duke, as Lord President of the Marches of Wales, an office to which he had been appointed in 1672, when constituted Lord Lieutenant of the Principality, summoned the Deputy Lieutenants and Magistrates to meet him at Ludlow. We are at this day disposed to look upon this place as a thoroughly English town, but at the period under notice it still retained much of its original importance, and many of its local or border characteristics, both as a position of defence, in respect

### The King's Instructions.

That the Lord Lieutenant of &c. &c. doe call before him all the Deputy Lieutenants, and Justices of the Peace within his Lieutenancy, either jointly or separately, as he shall think best, and ask them one by one the following Questions :—

1. If in case he shall be chosen Knight of the Shire, or Burgesse of a Towne, when the King shall think fitt to call a Parliament, whether he will be for taking of the Penall Lawes and the Tests.
2. Whether he will assist and contribute to the Election of such Members as shall be for taking of the Penal Lawes and the Tests.
3. Whether he will support the King's Declaration for Liberty of Conscience, by living ffriendly with those of all perswasions, as Subjects of the same Prince, and good Christians ought to doe.

As he shall aske these Questions of all Deputy Lieutenants and Justices of the Peace; so he shall particularly write downe what every one Answers, whether he Consents, refuseth, or is doubtfull.

That he doe likewise bring the King as good an Account as he can of all the severall Corporations within his Lieutenancy, what persons of such as are willing to comply with these measures, have creditt enough of their owne to be chosen parliament men, or may be chosen if assisted by their ffriends; And lastly what Catholicks, and what Dissenters are fitt to be added either to the list of the Deputy Lieutenants, or to the Commission of the Peace throughout the said Lieutenancy.

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of its proximity to the frontier district constituting the Marches of Wales, and as the seat of Government of the Lord President of the Marches, whose office still in force at the time of which we are treating, was not finally abolished until shortly after. It had been created the seat of the Lords President of Wales temp. Henry VIII., and here it was that the "Council of the Marches" held its sittings, and heard and determined on all matters within its jurisdiction, extending up to the time of Charles I. over Gloucestershire, Worcestershire, Herefordshire, and Salop. The Court of the Council consisted of one President, as many Councillors as the King chose to appoint, one Attorney, one Solicitor, one Secretary, and four Justices of the counties of Wales. Here also the troops under the Lord President had their head quarters. At an early date the Lords Marchers had often been called upon to assemble at Ludlow with their retainers to resist the incursions of the Welsh, as, for instance, in the case of Roger Mortimer, temp. Henry III., &c.

The Court was abolished by Act of Parliament in 1689, and Charles Gerard, second Earl of Macclesfield, was the last President who held his court at Ludlow.

### Justices of the Peace and Deputy Lieutenants.

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#### HEREFORDSHIRE.

##### Justices.

- The Geeres Sergt at Law, (sic.)\*  
 Richd Vaughan of Oreeas: (sic.)†  
 + Will. Walmsly,‡  
 Paul Foley,  
 Rober Cutler,  
 Rich. Reed,  
 Cha. Baldwin.
- 

#### GLoucestershire.

##### Deputy Lieutenants.

- Earl of Newburgh,§  
 + The Hon<sup>ble</sup> Henry Somerset Esqr,  
 Roland Bartlett Esqr,

##### Justices.

- Anth. Sambach,
- 

\* Mr. Serjeant Geeres was M.P. for city of Hereford in 1685. A letter from Lord Preston to the Duke of Beaufort in November 1688, shows that he had been recommended by the Duke to the King for some higher post or employment. See foot-note p. 252.

† Erased in the original. The orthography has uniformly been observed in respect of places in the MS. Some of them we are not able to identify.

‡ Names which are thus marked +, as in the original Returns, are (apparently) those on whom the King could rely; and in nearly every case Catholics.

§ Charles, second Earl of Newburgh in the Peerage of Scotland, succeeded his father, James, the first Earl, in 1670. He married Frances, daughter of Francis, Lord Brudenell, and died in 1694. Sir James Livingston, Bart., of Kennard, was created Viscount Newburgh in 1647; his father, Sir John, had been one of the Gentlemen of the Bed-chamber to Charles I., and was advanced to the Earldom of Newburgh in 1660. He married Catherine Howard, daughter of the Earl of Suffolk, and had by her, Charles (as above.) The Earl under notice held the manor of Cirencester in Gloucestershire, which Borough he represented in 1685, with those of Upper and Lower Siddington. His widow Frances, Countess of Newburgh, alienated them circa 1695 to the ancestor of the present Earl Bathurst.

S<sup>r</sup> Tho. Cann Kn<sup>t</sup>,\*  
 John Stafford Esq<sup>r</sup>,  
 S<sup>r</sup> John ffust Bar<sup>t</sup>,†  
 + Cleyton Milburne Esq<sup>r</sup>,  
 Sam. Price Esq<sup>r</sup>,  
 Hugh Brown Esq<sup>r</sup>,  
 Will. Pouncefoot Esq<sup>r</sup>,  
 Edw. Harris Esq<sup>r</sup>,  
 Will. Hayward Esq<sup>r</sup>  
 Henr. Collett Sen<sup>r</sup> Esq<sup>r</sup>,  
 Nurse Yate, Esq<sup>r</sup>.

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## MONMOUTHSHIRE.

Deputy Lieu<sup>u</sup>.

Will. Jones,  
 + S<sup>r</sup> Humphry Mackworth,:†

## Justices.

Henr. Benedict Hall,  
 Walt<sup>r</sup> Williams,  
 + Tho. Morgan of Tintarne [*Tintern*],  
 David Morgan of Llanwenarth,  
 Cha. Morgan of Lansore.

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## GLAMORGANSHIRE.

Deputy Lieu<sup>u</sup>.

Cha. Turberville,

\* Sir Thomas Cann, Knight, here named, was the son of Sir Robert Cann, Mayor and M.P. for Bristol, created a Baronet by Charles II. in 1662. He was knighted by James II.; and was Sheriff of Gloucestershire in 1687.

† Sir John Fust of Hill (or Hull) in Gloucestershire, was the second Baronet, and Sheriff of that county in 1675. He died 1698.

‡ Sir Humphrey Mackworth was knighted in 1683; his grandson Herbert was created a Baronet in 1776. There can be no doubt that this is Sir Humphrey Mackworth, (second son of Sir Thomas Mackworth of Betton Grange in Shropshire), of the Middle Temple, who was Deputy Governor of the "Mine Adventurers" in 1710, and "Author of Polemical and Devotional Tracts." [Le Neve; Tindal]; accused of fraud in the House of Commons in that year.

+ S<sup>r</sup> Humphry Mackworth,  
John Rumsey,

**Justices.**

Robert Price,  
Owen Wynne,  
Jeremiah Dawkins,  
Will. Lewis of Cryge,  
Tho. Evans of Elgwysilan,  
Will. Morgan of Coedy Groes,  
Hen. Williams of Menhur,  
Dan. Lloyd,  
Wm. Philpps.

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**RADNORSHIRE.**

♦ Dep<sup>r</sup> Lieu<sup>t</sup>.

+ Sam. Powell.\*

**Justices.**

Littleton Powell,  
Rob. Price,  
Lewis Morgan,  
+ Wm. Aubrey,  
John Hole,  
Edw. Haworth,  
Owen Wynne.

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**BRECKNOCKSHIRE.**

**Justices.**

Owen Wynne,  
John Waters of Brecon,

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\* Samuel Powell of Stanage, was Sheriff of Radnorshire in 1685.

- + Tho. Gwynne of Panty Gored [*Pont-y-corred?*],  
Walter Vaughan of Trebarriad [*Trebarried*],  
James Parry of Trostree [*Trostrey*],  
Rice Price,  
Lewis Habberd.
- 

#### CARMARTHENSHIRE.

Deputy Lieu<sup>ts</sup>.

- Tho. Owen,
- + Walter Middleton.

Justices.

- Edw. Jones,
  - Cha. Powell,
  - Dan. Lloyd,
  - + Henr Lloyd of Llanstephen [*Llanstephan*],
  - Jam. Williams of Dolgwyn,
  - Walter Middleton,
  - Rice Lloyd,
  - John Evans.
- 

#### PEMBROKESHIRE.

Dep<sup>ty</sup> Lieu<sup>t</sup>.

- + Geo. Lort.

Justices.

- Tho. Owen,
- Will. Barloe jun<sup>r</sup>,
- Will. Skyrme,
- + Jenkyn Jones,
- John Lewis,
- Will. Warren,
- Geo. Meere,
- Edw. Philipps.

## CARDIGANSHIRE.

Deputy Lieuten<sup>ts</sup>.

W<sup>m</sup>. Herbert,\*  
 + Roger Earl of Castlemain,<sup>† (sic)</sup>  
 S<sup>r</sup> Tho. Powell,  
 S<sup>r</sup> Carbury Price,<sup>‡</sup>  
 Will. Powell Esq<sup>r</sup>,  
 Cha. Lloyd of Maesyvelin, [Maes-y-velin]

## Justices.

Dan. Evans,  
 David Lloyd,  
 John Lewis of Pant David [*Pant-y-Defaid*],

\* See foot-note p. 261.

† Roger Palmer was son of Sir James Palmer, of Dorney, by his second marriage with Katherine Herbert, daughter of Lord Powis. He was created 11th December, 1661, Baron Palmer of Limerick, and Earl of Castlemaine in the Peerage of Ireland, and is remarkable as the husband of a woman of singular beauty, and the acknowledged mistress of Charles II. This lady, the Countess of Castlemaine, was the Lady Barbara Villiers, only daughter of the first Viscount Grandison, and was, in 1670, created by Charles II. Duchess of Cleveland, having left her husband some years previously. The patent of her creation runs thus:—"Barbara Comitissa de Castlemaine, facta Baronissa de Nonsuch, Comitissa Southampton, and Ducissa de Cleve-land, 20 Feb. 1670." [Ashmole MS. 838.] In 1686, on the accession of James II., he was sent as ambassador to Pope Innocent XI., called from his adhering to the Confederates, and opposition to Louis Quatorze, the "Protestant Pope," about whom and the English King this saying was current at the time, that to put an end to the troubles of Europe and the Church, it would be necessary that the "Pope should turn Catholic, and King James become Huguenot" ["que le Roi Jacques se fit huguenot, et le Pape catholique;" (Siecle de Louis XIV.)] His residence whilst at Rome is given by Ashmole [MS. 829, 241] as the "Pallazio Pamphilio" in the Piazza Novena. Among the list of subscribers to the English Convent of Benedictine nuns near Paris (or of Pontoise), his name figures for 480 livres; and again in 1686, being then ambassador at Rome, for 55 livres more "for masse and prayers" [H. and G. iii, 61.] In 1679 Lord Castlemaine was implicated with other Catholics in Dangerfield's Plot, for which he was committed to the Tower, tried, and acquitted. [Tyndal ii, 712.] After James's abdication he was concealed for some time in Montgomeryshire, at a place called Dol-y-velin-Blwm, having in 1690 been one of those concerned in a conspiracy against William III., for whose apprehension proclamation was made; probably on the occasion just alluded to. Lord Montgomery and Viscount Preston, both concerned with these circular Questions, (the latter as Lord Lieutenant of Cumberland and Westmorland), were among the number proclaimed. He had also been impeached for High Treason the year before (1689), and was one of the State Prisoners excepted out of the Act of Indemnity passed soon after. It is not very apparent why his name is erased in the above list, unless he was employed abroad at that time. He died in Wales in 1705.

‡ Sir Carbury Price, fourth and last Baronet of Gogerddan, co. Cardigan. He died in 1694, and had been M.P. for co. of Cardigan in 1689.

+ Evan Lloyd of Galtyrodin [*Allt-yr-Odin?*],  
 Tho. Jones [*Johnes*] of Llanvair Gledogey [*Llanvair-Clydoge*, or  
*Llanfair-Clydogau*],  
 David Lewis of Kysenewyd.

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## DENBIGHSHIRE.

Deputy Lieut<sup>a</sup>.

S<sup>r</sup> John Trevor,\*  
 S<sup>r</sup> Will. Williams,  
 + Will. Williams Esqr,  
 Owen Salisbury.

Justices.

John Warren, Judge,  
 John Trevor of Escleusham [*Esclusham*],  
 + Jasper Peake,  
 Tho Price,  
 Rob. Price of Bulch, Att. Gen<sup>le</sup>,  
 John Grosvenor.

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## FLINTSHIRE.

Dep<sup>v</sup> Lieut<sup>t</sup>.

+ John Grosvenor.

Justices.

Hen. Mostyn Esqr,

\* Sir John Trevor Knight, of Trevallin (Trefalin), may be the Deputy-Lieutenant of Denbighshire here alluded to; his son Sir John, a Secretary of State, temp. Charles II. ob. 1672. It is not apparent whether he is to be identified as the same, (or another) Sir John Trevor, who was Speaker of the Commons in James II. Parliament of 1685, being M.P. for Denbigh on that occasion, and afterwards held the same office in 1690. Le Neve states this Sir John as of the Inner Temple, Master of the Rolls, and of Brynkynveld, co. Denbigh, [Harl. MS. 5801, f. 96], to have married daughter of Sir Roger Mostyn of Mostyn, and to have been knighted in 1670. Of this family was Thomas Trevor, created in 1711 Baron Trevor of Bromham.

Tho. Lloyd of Bangor,  
 Tho. Mostyn of Kelston,  
 + Phi. Hen. Clarke,  
 Rob. Roberts of Nerguis [*Nerquis* or *Nercwys*],  
 Geo. Davis,  
 Tho. Price of Brinny Peer Esq<sup>r</sup>.

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#### CAERNARVONSHIRE.

##### Dep<sup>ty</sup> Lieut<sup>s</sup>.

S<sup>r</sup> Will. Williams of Voynoll [*Vaynol*],\*  
 Edm. Williams Esq<sup>r</sup>,  
 Owen Salisbury.

##### Justices.

Rich. Edwards of Llanhoran,  
 Randall Wynne Esq<sup>r</sup>,  
 + Maurice Griffith Esq<sup>r</sup>,  
 Rowld. Wynne jun<sup>r</sup> Esq<sup>r</sup>,  
 Tho. Price of Brinny Peer Esq<sup>r</sup>.

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#### MERIONETHSHIRE.

##### Dep<sup>ty</sup> Lieut<sup>s</sup>.

Owen Salisbury,  
 + S<sup>r</sup> Will. Williams,<sup>t</sup>  
 Will. Williams.

##### Justices.

Owen Eaton Esq<sup>r</sup>,  
 John Jones Esq<sup>r</sup>,

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\* Created Baronet 1622; extinct 1693; derived from a common ancestor with the present Sir Williams-Bulkeley; was M.P. for Carnarvon county from 1688 till his death.

<sup>t</sup> See page 262 *postea*.

Lewis Owen of Lineolnes Inn (sic),\*  
 Tho. Price of Brinny Peer Esq<sup>r</sup>,  
 Meredith Lloyd,  
 Cha. Hughes,  
 + Hugh Tydder [Tyd<sup>y</sup>r],  
 Hugh Owen of Penmyney [*Penmynydd?*],  
 Ellis Davis of Bedvenny,  
 Rich. Nanney Esq<sup>r</sup>,  
 Edw. Owen of Guastadfryn.

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## MOUNTGOMERIESHIRE.

Dep<sup>ty</sup> Lieu<sup>ts</sup>.

Roger Earl of Castlemain (sic),†  
 Will. Lord Mountgomery (sic),‡  
 S<sup>r</sup> Will. Williams,  
 + Will. Williams, son of S<sup>r</sup> Will.,  
 Sydney Godolphin Esq<sup>r</sup>,  
 Robert Leighton.

## Justices.

Tho. Lloyd Esq<sup>r</sup>,  
 Bernard fforster Esq<sup>r</sup>.  
 + Edm. Lloyd Esq<sup>r</sup>,  
 Tho. Price of Llanvillian [*Llanfillyn*],  
 Rowld<sup>d</sup> Bartlett,  
 Tho. Mason,  
 Tho. Clopton Clark,

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\* Erased in original.

† See note p. 258 *antea*.

‡ This would appear to be William Herbert, whose father, Lord Powys, had been created in 1687 Viscount Montgomery, and Marquis of Powys, and was outlawed in 1689; and ob. 1696. William Herbert, Viscount Montgomery, (as above), was not confirmed in his father's honours till 1722. The Marquis superseded the Earl of Derby in the Lieutenantcy of Cheshire at this time, and was Lord Lieutenant of Sussex conjointly with Viscount Montague. He attended James II. to France after the Battle of the Boyne, by whom he was further created Duke of Powys and Marquis of Montgomery. The Historical MSS. Commission allude to intercepted letters of this family from St. Germains, mentioned in the Sussex Returns.

Cha. Lloyd of Doleobran [*Dolobran*],\*  
 Matth<sup>w</sup> Price,  
 Hump. Jones.

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## ANGLESEY.

Dep<sup>t</sup> Lieut<sup>r</sup>.

David Williams  
 + S<sup>r</sup> Will. Williams.†

Justices.

Rob. Parry Esq<sup>r</sup>,  
 + Tho. Price of Brinny Peer Esq<sup>r</sup>.

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## RADNOR.

Samuel Powell (*sic*)

Justices.

Littleton Powell, (*sic*)  
 Rob. Price, (*sic*)  
 Lewis Morgan. (*sic*)

‡[Endorsed.]

Names of Dep<sup>r</sup> Lieut<sup>s</sup> &  
 Justices for Herefordshire,  
 Gloucestershire,  
 Monmouth, Bristoll, & all Wales.

Feb. 23<sup>d</sup> 1687

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\* See *postea* under Montgomery.

† Sir William Williams, K<sup>nt</sup> and Bart. of Gray's Inn, was M.P. for Beaumaris in 1688. In 1695 he is returned of Nantnog as M.P. for the same borough. Appointed Vice-Admiral of North Wales in succession to Lord Bulkeley deceased in 1688. This we learn from a despatch from Lord Preston, Secretary of State, to the Duke of Beaufort, and further that he had married his lordship's daughter; (See p. 252 *antea*.)

‡ The foregoing list is very incomplete, as shown by the following Return of the Lord Lieutenant.

### Answers.

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#### L<sup>D</sup> DUKE OF BEAUFORT'S RETURNE.

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A List of all the Deputy Lieutenants and Justices of the Peace within the severall Counties of the Duke of Beaufort's Lieutenancy, (except the Great Officers, Peers, & Judges, who are neither sworen, nor reside within y<sup>e</sup> s<sup>d</sup> respective Counties),

Together

With the Answers (of such of them as appeared on the Generall Sumons) to y<sup>e</sup> Questions proposed to them by his Ma<sup>ties</sup> Command.

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#### BRISTOLL.\*

|                                                                                                                                                                                                                                                                                                      |                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Richard Lane, Mayor,<br>S <sup>r</sup> Richard Crump Kn <sup>t</sup> ,†<br>S <sup>r</sup> William Clutterbuck,‡ Kn <sup>t</sup> ,<br>John Hicks, Ald <sup>m</sup> .<br>+ S <sup>r</sup> William Poole Kn <sup>t</sup> ,<br>+ John Fitzherbert Esq <sup>r</sup> ,<br>+ John Romsey Esq <sup>r</sup> , | Refuse y <sup>e</sup> two first,<br>Consent to y <sup>e</sup> last. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|

#### HEREFORD : SHIRE,

#### Deputy Lieutenants :

S<sup>r</sup> Herbert Croft,—Refuses y<sup>e</sup> two first ;  
 Consents to y<sup>e</sup> last.

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\* The *county* and city of Bristol.

† Sir Richard Crumpe (or Cromp) of Bristol, merchant; was M.P. for the city in 1685, knighted 1681, living 1701 (Le Neve.)

‡ Sir William Clutterbuck was Mayor of Bristol 1682, and was knighted in 1683 (P. Le Neve.)

- S<sup>r</sup> John Barnaby,—Absent, but I suppose by a letter I rec<sup>d</sup>. from him, hee consents to all.
- + S<sup>r</sup> John Hoskins,\*—His minde I suppose known to y<sup>e</sup> King.  
S<sup>r</sup> Thomas Hanbury,—Absent.
- + Thomas Price Esqr,—Always at Whitehall; & his minde I suppose known to y<sup>e</sup> King.  
Herbert Aubrey Esqr,†—In Ireland.
- + Humphry Cornwall Esqr,—Consents to all.  
Herbert Westphalin Esqr,—Refuses y<sup>e</sup> two first;  
Consents to y<sup>e</sup> last.
- Thomas Cox Esqr,—Doubtfull.
- + Thomas Lingen Esqr,—A Catholick; Consents to all.

#### Justices of y<sup>e</sup> Peace not Dep : Leuitenants.

- S<sup>r</sup> Charles Hamilton,—Never in y<sup>e</sup> county.
- + S<sup>r</sup> Walter Blunt,‡—A Catholick.
- + S<sup>r</sup> Barnabas Scudamore,§—Consents to all.  
S<sup>r</sup> Timothy Baldwyn,||—Absent.
- S<sup>r</sup> Thomas Dupper,\*\*—An Officer at Whitehall; & his minde I suppose known to his Ma<sup>tie</sup>.
- + Tho. Geers, Serjt at Law,††—The same mind hee was of when the King spoke to him.  
Edward Hopton Esqr—Absent.
- + Anthony Lochard Esqr,  
+ Richard Kemble Esqr,  
+ John Streete Esqr,  
+ Rowland Pigott, Esqr—Absent.
- } Catholicks; Consent to all.

\* Sir John Hoskins of Harwood, knighted in 1675-6; sat for county of Hereford in 1685; a Master in Chancery; afterwards created a Baronet (Le Neve.)

† M.P. for Hereford in 1685.

‡ Sir Walter Blount of Sodington, Worcestershire, Bart.

§ Apparently Sir Barnaby Scudamore of Ballingham, in Herefordshire.

|| Sir Timothy Baldwyn was of Stoke Castle, in Shropshire; a Master in Chancery, Doctor of Law, and Chancellor to the Bishops of Worcester and Hereford; was knighted in 1670 (Le Neve.)

\*\* Sir Thomas Dupper, Knt, of Eardisley in Herefordshire; Gentleman-Usher of the Black R<sup>d</sup> at that time; knighted 1683.

†† See p. 254 *antea*.

- + William Hall Esqr,
- + John Berrington Esqr,
- + Henry Weston Esqr,
- + Charles Somerset Esqr,
- + Richard Hopton Esqr,—Consents to all.
- + Jo<sup>n</sup> Vaughan of Orecast, Esqr,
- + Thomas Arrundell Esqr,
- + Rowland Scudamore Esqr,
- + John Bodenham Esqr,
- + Thomas Monington Esqr,
- Uvedale Tomkins Esqr,—Refuses y<sup>e</sup> two first ;  
Consents to y<sup>e</sup> last.
- Edward Cornewall Esqr,—Absent ; Collonell Cornewall's father.
- John Booth of Letton Esqr,—Refuses y<sup>e</sup> two first ;  
Consents to y<sup>e</sup> last.
- Robert Dobbins Esqr,—Refuses y<sup>e</sup> two first ;  
Consents to y<sup>e</sup> last.
- John Nourse Esqr,—Refuses y<sup>e</sup> two first ;  
Consents to y<sup>e</sup> last.
- + John Powell Esqr,—Consents to all.
- John Parry Esqr,—Absent.
- Thomas Coningsby Esqr,\*—Refuses y<sup>e</sup> two first ;  
Consents to y<sup>e</sup> 3<sup>d</sup>.
- + Jeremiah Bubb Esqr,—Absent, but by letter promises to doe  
whatever comanded by his Ma<sup>tie</sup>.
- + John Booth of Bramton Esqr,†—Consents to all.
- + Robert Price Esqr,‡—His opinion known already to y<sup>e</sup> King.  
William Mathews Esqr,—So ill not able to stirr from hoame.
- Marshall Bridges Esqr,—Refuses y<sup>e</sup> 2 first ; Consents to y<sup>e</sup> 3<sup>d</sup>.
- Fabian Philipps Esqr,—Absent, being very old.
- + Herbert Masters Esqr,—A Catholick, Consents to all.
- + Robert Cornewall Esqr,§—Consents to all.

\* Thomas Coningsby of Hampton Court, county Hereford, sat for Leominster in 1685 and 1688.

† May be either Brampton-Abbots; Brampton-Bryan; or Little Brampton ; all in Herefordshire.

‡ Robert Price was M.P. for Wobly in 1685.

§ M.P. for Leominster in 1685.

William Lamb Esqr,—Doubtfull as to y<sup>e</sup> 2 first; Consents to y<sup>e</sup> last.

George Skipp Esqr,—Absent.

Martin Sandys Esqr,—Not able to come.

Anthony Rowden Esqr,—The like.

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### GLoucester : Shire,

#### Deputy Lieutenants.

S<sup>r</sup> Thomas Arden Price,\*—Lives in Staffordshire.

S<sup>r</sup> John Ashfield,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

S<sup>r</sup> William Juxon,†—Absent.

S<sup>r</sup> Gabriell Lowe,:—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

S<sup>r</sup> John Newton—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

S<sup>r</sup> Robert Atkyns§—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

S<sup>r</sup> Thomas Cutler,—Absent.

+ S<sup>r</sup> Charles Wintour,||—Consents to all.

John Wintour Esqr,—Not able to come to mee, But always very Loyall.

---

\* Son of Sir Herbert Price, who was Master of the Household to Charles II., by daughter of Sir Henry Arden of Park Hall, Warwickshire.

† Nephew and heir in 1663 to William Juxon, Archbishop of Canterbury, who when Bishop of London attended Charles I. to the scaffold; created Baronet 1660; was Sheriff of Gloucestershire in 1676.

‡ Sir Gabriel Lowe was of Newark (near Ozleworth), in Gloucestershire, where he was living (according to Le Neve) in 1699. He was knighted in 1660, and his son was a captain in Sir John Hanmer's regiment, which was with William III. at the Battle of the Boyne.

§ This was either Sir Robert Atkyns of Saperton, in Gloucestershire; Knight of the Bath; one of the Justices of the Court of Common Pleas; Chief Baron of the Court of the Exchequer; and Speaker (as then styled) of the House of Lords; who lived to an advanced age, dying in 1709, aged 88; or more probably his son Sir Robert Atkyns, Kt., who died in 1711, and according to monument to his memory, was the author of the "Ancient and Present State of Gloucestershire," and sat for the county of Gloucester in 1685. It is stated by Rudder ["Gloucestershire"] that the father of this Lord Chief Baron Atkins, [Sir Edward Atkins], was one of the Judges selected by James II. to replace those who were removed by the King for denying his dispensing power. This occurred about the period of these circular Questions, or shortly before.

|| Sir Charles Wintour (or Winter), was High Sheriff of Gloucestershire, and knighted by James II. at Bristol in 1686. [Harr. MS. 5802, f. 19.] Was probably of the same family as the Wintours of Lydney in the Forest of Dean. The defence of Lydney House by Lady Wintour in 1644-5 is a well-known historical fact.

- Robert Codrington Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.  
 + William Wintour Esqr,—With y<sup>e</sup> Regiment.  
 Robert Pleydell Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.  
 John Smyth Esqr,—Superañuated, being at least fourscore.  
 Thomas Masters Esqr,\*—Refuses y<sup>e</sup> two first; Consents to y<sup>e</sup> third.  
 + John Chamberlaine Esqr,—Not for persecution, & therefore if chosen thinks hee should be for Repeale, & is for choosing such as would bee so, if otherwise qualified to his minde.  
 + Henry Norwood Esqr,—Absent.  
 William Cope Esqr,—Superañuated, being at least fourscore.  
 Charles Hancock Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.  
 Theophilus Leigh Esqr,—Refuses as to y<sup>e</sup> Test, But for taking away all y<sup>e</sup> sanguinary Laws, & some others of y<sup>e</sup> Penall Lawes.  
 William George Esqr,—Refuses, having promised his Vote to young S<sup>r</sup> Robert Atkyns, & Mr. Masters.  
 Jo<sup>n</sup> Gytthens } ——, Against persecution, & for those  
 Ben Hyett } Civit' Glouceſt' y<sup>t</sup> are so, except Mr. Powell &  
               Mr. Wagstaff, whom he cannot bee for.  
 ——The same; only more Doubtfull as to y<sup>e</sup> first.

### Justices of the Peace not Dep: Leiu<sup>ts</sup>.

- S<sup>r</sup> William Keyte,†—Lives in Worcestershire.  
 S<sup>r</sup> Robert Southwell,‡—As formerly, w<sup>ch</sup> y<sup>e</sup> King knows.  
 S<sup>r</sup> Fleetwood Dormer,§—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

\* Was M.P. for Cirencester in 1685. [C. O. L.]

† Sir W. Keyte or Keyt of Ebrington, county Gloucester; second Baronet; created 1660; extinct 1784. (See his Answer in the Worcestershire Returns.)

‡ Sir Robert Southwell of King's Weston in Gloucestershire; knighted in 1665; Clerk of the Council temp. Charles II., and a Commissioner of Customs in 1696; married daughter of Sir Edward Dering Bart; monument to his memory in Henbury Church. Le Neve, Norroy, styles him "his good friend." [Harr. MS. 5801, f. 77.]

§ It is not apparent whether this Magistrate was Sir Fleetwood Dormer of Arle Court in Gloucestershire; knighted in 1678, and brother of Sir John Dormer Bt.; or his nephew, M.P. for Chipping-Wycomb.

- + Sir Samuel Astrey,\*—Consents to all.  
Thomas Rawlins, serjt at Law.
- + Henry Hall Esqr,—(sic),—A Catholick, now Sheriffe.
- + John Hill Esqr,—A Catholick; now Mayor of Gloucester;  
Consents to all.
- + Robert Brent, Esqr,—A Catholick.  
Nicholas Veale Esqr,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.
- + John Ashton of Ashton Esqr,—A Catholick; Consents to all.
- + Philip Draycott Esqr,—A Catholick; Sheriff of Staffordshire.
- + Henry Powle Esqr,—Absent.
- + John Vaughan Esqr,—A Catholick; Consents to all.  
Philip Sheppard Esqr,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.
- + Charles Trinder Esqr,—A Catholick.
- + William Rogers Esqr,—A Catholick.  
Thomas Harris Esqr,—Lives in Wiltshire.
- + Robert Price, Esqr—As formerly to ye King.  
Giles Parsons Esqr,—Absent.  
Anthony Sandbach } Esqr<sup>s</sup>, not sworn.  
John Parsons Junr }
- + Benedict Wakeman Esqr,—A Catholick; Consents to all.
- + Thomas Bartlett, Esqr,—A Catholick, dead (sic).
- + Francis Creswick Esqr,—Consents to all.  
George Raymond Esqr,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.  
Christopher Cole Esqr,—Lame in his shoulder, and not able to  
come.
- + Henry Benedict Hall Esqr,—A Catholick.
- + John Wagstaffe Esqr,†—Consents to all.  
David Warren Esqr,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.  
Rich<sup>d</sup> Parsons,‡ Leg' Baccalorius (sic), [Baccalaureus in Jure  
Civili]—Refuses ye 2 first; Consents to ye 3<sup>d</sup>  
William Player, Esqr,—Lives in Dorsetshire.

\* Sir Samuel Astry of Henbury, in Gloucestershire; Clerk of the Crown in the King's Bench; knighted in 1683. [Harl. MS. 5802, f. 4.]

† John Wagstaffe, alderman, sat for the city of Gloucester in 1685.

‡ Richard Parsons, afterwards Doctor of Civil Law; became Chancellor of Gloucester Diocese in 1669. He became B.C.L. in 1665, and D.C.L. June 25, 1687. His "Parochial Visitation of the Diocese of Gloucester" forms one of the MSS. in the Rawlinson Collection. He died in 1711, and was buried in Gloucester Cathedral [S Atheneæ Oxon ii, 990, Ed. 1791.]

- + John Dowell Esqr,—Doubtfull, but inclined to doe all in conscience hee can; & to vote for such as desired, if otherwise qualified.
  - + William Wall Esqr,—Absent.  
Joseph Knight Esqr, Absent.
  - + Tracy Catchmaid Esqr,—Doubtfull, but well inclined.
  - + William Wolseley Esqr,—Consents to all.
  - + John Fitzherbert Esqr—Consents to all, as formerly.
  - + Thomas James Esqr,—Consents to all.
  - + Christopher Woodward Esqr,—Doubtfull, but inclined to doe as desired.
  - + Henry Chivers Esqr,—with ye Regiment.
- 

### MONMOUTH : SHIRE,

#### Deputy Leuttenants.

- Sr James Herbert\*,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.
- Sr Charles Kemeys,†—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.
- + William Herbert Esqr,—Consents to all.  
William Jones Esqr,—Came not for feare of ye waters.  
Robert Gunter Esqr—Ill of ye Govt.
- + Philip Jones Esqr—A Catholick; now Sheriffe.  
Thomas Morgan Esqr—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.  
Henry Morgan Esqr;—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.

#### Justices of the Peace not Dep<sup>v</sup> Leiu<sup>ts</sup>.

- + Richard Vaughan Esqr,  
+ George Scudamore Esqr, } Catholicks.
- 

\* Sir James Herbert of Colebroke (or Coldbrook) in Monmouthshire Kt.; was Sheriff of Monmouthshire in 1678, and living 1698; (Le Neve.)

† Sir Charles Kemeys of Kevanmably (Cefn-Mabley) in Glamorganshire; was M.P. for county of Monmouth in 1685; and the third Baronet of that name. Died circa 1702.

‡ Appears to be named in the following extract from a letter somewhat later in 1688:—Robert Brent to Lord Preston:—"If the King please to excuse Mr. Morgan from being sheriff of Monmouthshire, these following are well qualified:—John Williams of Langibby Esq.; Henry Probert Esq.; Henry Morgan Esq.; David Evans Esq." [Sir F. Graham's Papers; Hist. MSS. Com. vii, 409.]

- + Anthony Powell Esqr,      }Catholicks.
- + Richard Crofts, Esqr,  
Roderick Gwynne Esqr,—Absent.
- Henry Milbourne Esqr,—Refuses ye 2 first ; Consents to ye 3<sup>d</sup>.
- + Thomas Herbert Esqr,—Consents to all.  
Lewis Morgan Esqr,—Attorney of S. Wales ; very old.  
Walter Evans Esqr,—Not able to come.  
Richard Leicester Esqr,—Lives in Shropshire.  
David Evans Esqr,\*—Hurt in coming, and forc't to stay.  
Thomas Morgan Esqr, of Llanrumny— Absent.  
John Walter Esqr,—Absent.
- + John Romsey Esqr,—Absent.  
Edmond Morgan Esqr,—Absent.  
John Gabb Esqr,—Refuses ye 2 first ; Consents to ye last.  
John Gwynne Esqr,—Doubtfull as to ye 2 first ; Consents to ye last.
- Catholicks not in Comission      { + Sr James Morgan Barr,  
+ Mr. Edward Davis,  
+ Mr. Thomas Gunter, senr,  
+ Mr. Jo<sup>n</sup> Jones of Dingestow,  
+ Walter James Esqr & Mr. Henry Jones,  
+ Mr. George Milbourne, & Mr. Walter Williams.
- Dissenter not in Comission      { + Dr Christopher Price ; That gave the King the Address at Gloucester.

## ANGLESEY.

## Deputy Leiutenants.

The Lord Viscount† Bulkeley,—Sick and not able to come.

Thomas Bulkeley, Esqr‡—Refuses ye 2 first ; Consents to ye 3<sup>d</sup>.

\* See foot-note p. 269.

† Robert Bulkeley, second Viscount Bulkeley of Cashel ; died October 18th, 1688. a few months after the date of these questions. He had been M.P. for Anglesey in 1660 and 1685. See mention of him in a despatch to the Lord Lieutenant, p. 252 *ante*.

‡ Thomas Bulkeley, here named, was either the brother of the preceding second Viscount, Robert ; or Thomas of Dinas, brother of the first Viscount.

Richard Bulkeley Esqr,<sup>\*</sup>—Is at present in Judgment ag<sup>t</sup> y<sup>e</sup> first, but says hee knows not how it may be altered by ye debate in ye house if chosen a member, & consequently cannot comply in ye second; but consents to ye 3<sup>d</sup>.

+ Francis Bulkeley Esqr,—In Ireland.

+ Owen Hughes Esqr (sic),—Consents to all.

John Griffith Esqr,—Absent.

+ John Grosvenor Esqr,—For taking of ye penal Laws and Test, provided there bee at ye same time a sufficient security by Law to his satisfaction, for ye maintenance of ye Protestant Religion. He will give his vote in Anglesey for ye Sollicitor, & consents to ye 3<sup>d</sup>.

Coningsby Williams Esqr,—Refuses ye 2 first, & Consents to ye 3<sup>d</sup>.

#### Justices of the Peace not Dep<sup>v</sup> Leiu<sup>s</sup>:

Edward Jennings Esqr,—Not sworen, nor residing in ye County.

Lewis Meyrick Esqr,—Attorney of ye Marches. Refuses ye two first; Consents to ye last.

+ Jo<sup>a</sup> Ellis, sacr' Theolog' p'fesso'—Doubtfull, but inclinable.

+ Thomas Price Esqr,—A Catholick.

Nicholas Bagnall Esqr,—Ill of ye spleene to so high a degree that hee could not come.

Thomas Holland Esqr,—Absent.

William Jones Esqr,—Absent.

Maurice Lewis Esqr,—Absent.

Owen Bold Esqr,—Absent.

Hugh Williams Esqr,—Absent.

William Meyrick Esqr,—Absent.

Henry Sparrow Esqr,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.

Henry Jones Esqr,—Absent.

\* In all likelihood Richard, who was M.P. for Anglesey from 1680, and succeeded as third Viscount Bulkeley. Richard Bulkeley of Baron Hill, county Anglesey, was M.P. for Beaumaris in 1678.

- + Catholick—Owen Owens, not in Comīssion.  
Dissenters—None of any Estate.
- 

### BRECKNOCK : SHIRE,

#### Deputy Leuitenants.

- + John Jeoffries Esqr,\*—In Ireland.
- + William le Hunt Esqr,—A Catholick.  
Thomas Walker Esqr,—Refuses ye 2 first ; Consents to ye 3<sup>d</sup>.  
Edward Jones Esqr,†—Refuses ye 2 first ; Consents to ye 3<sup>d</sup>.
- + Edward Games Esqr,‡—At Scarborough w<sup>th</sup> his Company.  
John Williams Esqr,—Refuses ye 2 first ; Consents to ye 3<sup>d</sup>.

#### Justices of the Peace not Dep<sup>ty</sup> : Leiu<sup>m</sup> :

- Lewis Meyrick Esqr,—Att' ; Refuses ye 2 first ; Consents to ye 3<sup>d</sup>.  
Lewis Morgan Esqr,—Att' ; Absent very old.  
Francis Gwynne Esqr,—Not sworen, nor resident in ye county.
  - + Robert Price Esqr,—Att' ; his minde known to ye King.
  - + William Wintour, Esqr,—A Catholick.
  - + William Lee Esqr,§—A Catholick.  
Thomas Lane Esqr,—Lives in Staffordshire.
  - + Thomas Price Esqr,—Alwaies in Whitehall, & his mind I suppose known to ye King.  
Marmaduke Gwynne Esqr,—Refuses ye 2 first ; Consents to ye 3<sup>d</sup>.  
John Stedman Esqr,—Refuses ye 2 first ; Consents to ye 3<sup>d</sup>.  
William Morgan Esqr,—Beyond Sea.  
Henry Proger Esqr,—Dead.  
Lodwick Lewis Esqr,—Refuses ye 2 first ; Consents to ye 3<sup>d</sup>.
  - + Edward Williams Esqr,—For taking away ye Testt, But as to ye Penall Laws, Doubtfull.  
Philip Parry Esqr,—Refuses ye 2 first ; Consents to ye 3<sup>d</sup>.  
William Bowen Esqr,—Refuses ye 2 first : Consents to ye 3<sup>d</sup>.
- 

\* M.P. for county Brecon in 1685.

† Edward Jones of Buckland, M.P. for county of Brecon, 1685 and 1688.

‡ Games or (Gaymes) of Newton, county Brecknock.

|                          |                                                                                                                                                                               |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Richard Jeffries Esqr,—  | Refuses ye 2 first ; Consents to ye 3 <sup>d</sup> .                                                                                                                          |
| William Powell, clerck,— | Refuses ye 2 first ; Consents to ye 3 <sup>d</sup> .                                                                                                                          |
| Dissenters {             | + Charles Lloyd,<br>+ William Watkins,<br>+ Lewis Jones of Tallin [ <i>Tallyn</i> ],<br>+ Samuel Prichard,                                                                    |
| Catholicks {             | + S <sup>r</sup> Thomas Williams,<br>+ Thomas Bratford, gen.<br>+ S <sup>r</sup> Edward Williams (S <sup>r</sup> Thomas's sonne), recommended by mee already, but not put in. |

## CARMARTHEN : SHIRE.

## **Deputy Lieutenants.**

Rowland Gwynne Esqr.—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

Owen Brigstock Esqr,—Old, and very infirme.

Richard Vaughan of Ter-y-coed [*Terracoyd, Terracoed*] Esqr.—  
Refuses ye 2 first; Consents to ye 3<sup>d</sup>.

\* Sir Edward Mansell of Muddlescomb; second Baronet; grandson of Sir Francis, first Baronet.

<sup>†</sup> Sir Sackville Crow (or Crowe) of Llanherne, county Carmarthen. His mother was daughter of Sir George Manners, and sister of John, Earl of Rutland.

Sir William Russel, first and last Baronet of Langherne, county Carmarthen. He was a younger son of Sir William Russel of Chippingham, in Wilts.

§ Sir Rice Williams Knt. of Edwinstorf, county Carmarthen. He was knighted by Charles II. in 1676, and his son Nicholas was created a Baronet in 1707.

Richard Gwynne Esqr,—Lives in Hampshire.

Christoph'r Midleton Esqr,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.

Thomas Lloyd of Altecadno [*Alltycadno*] Esqr,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.

William Brigstock Esqr,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.

Burrough of Carm'then, } Mayor—Rowland Gwynne Esqr, above named.

Dep: Recorder — Rich<sup>d</sup> Vaughan Esqr, a Justice of P: of this county.

Sen<sup>r</sup>. Ald': } Absent.  
Towne Clerk

### Justices of the Peace not Dep<sup>ty</sup>: Leiu<sup>ts</sup>:

Rawleigh Mansell Esqr,\*—Absent.

John Williams of Abercothy Esqr,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.

Richard Brett Esqr,—Not sworen nor residing in ye country, but well known to ye King.

Richard Vaughan of Derllis [*Derllys*] Esqr,†—Dep: Recorder of Carmarthen; Doubtfull till hee sees an equivalent security for the Protestant Religion.

Thomas Gwynne Esqr,—Very ill.

Roger Manwaring Esqr,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.

Edward Vaughan Esqr,—Absent.

John Williams of Tally [*Talley or Tal-y-llychau*] Esqr,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.

Henry Owens Esqr,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.

Arthur Gwynne Esqr,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.

+ John Philips of Dolhaidd Esqr,—Absent; present Sheriff.

Richard Jones Esqr,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.

Griffith Lloyd Esqr,—Refuses ye 2 first; Consents to ye third.

William Bevan Esqr,—Sick.

Noe Catholicks nor Dissenters of any note or Estate in this county.

\* Rawleigh Mansell was the son, by his second wife, of Sir Thomas Mansel of Trimsaren in Carmarthenshire, Bart.

† M.P. for Carmarthen in 1688.

## CARDIGAN : SHIRE,

## Deputy Lieutenants.

Hector Philips Esqr,\*—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.  
 Thomas Lloyd of Castlehowell Esqr,—Very sick.  
 Thomas Lewis Esqr,—Absent.  
 Thomas Lloyd of Bronwith [Bronwydd] Esqr,—Refuses ye 2  
     first; Consents to ye 3<sup>d</sup>.  
 Walter Lloyd Esqr,—Absent.  
 Morgan Herbert Esqr,—Absent.  
 John Lewis Esqr,—Absent.

Justices of ye Peace not Dep<sup>v</sup>: Leiu<sup>ts</sup>

James Palmer Esqr,—Dead.  
 Edward Freeman Esqr,—Dead.  
 Lewis Morgan Esqr,—Att' S. Wales; old.  
 John Lloyd of Kilgwyn [Cilgwyn] Esqr,—Dead,  
     Thomas Price Esqr,—Absent.  
 + John Herbert Esqr,—Doubtfull as to ye first; Consents to  
     ye 3<sup>d</sup>.  
 Thomas Lloyd of Rhuarthen Esqr,—Absent.  
 David Parry Esqr,—Not sworen.  
 Henry Sumer (*sic*) [Sumner] Esqr,—Lives in Buckinghamsh<sup>r</sup>.  
 John Lewis of Coedmaure Esqr,† [Coedmore or Coed-mawr]—  
     Lives in Barkshire.  
 Richard Herbert Esqr,—Absent.  
 Morgan Lloyd of Greene-Grove Esqr,‡—Absent.  
 Richard Lloyd of Mabus Esqr,—Refuses ye 2 first; Consents to  
     ye 3<sup>d</sup>.

Not any Catholicks or Dissenters of any note or estate of  
 this County.

\* Of the Priory of Cardigan; was M.P. for Cardigan in 1685 and 1689; ob. 1693.  
 [C. O. L.]

† Was M.P. for Cardigan in 1689.

‡ His daughter and heir married Sir Charles Lloyd of Millfield, knighted by William  
 III., and created Baronet by Queen Anne 1708.

CAERNARVON : SH<sup>r</sup>.

## Deputy Leiutensants.

S<sup>r</sup> Robert Owen,\*—Absent.  
 Thomas Vaughan Esqr,—Absent.  
 William Griffith Esqr,—Aged and very infirme.  
 Robert Wynne Esqr,—Absent.  
 Edward Williams Esqr,—Absent.  
 John Griffiths of Llyn Esqr,<sup>t</sup>—Dead.  
 Love Parry Esqr,—Refuses ye<sup>e</sup> 2 first; Consents to ye<sup>e</sup> 3<sup>d</sup>.

Justices of the Peace not Dep<sup>v</sup>: Leiu<sup>s</sup>:

Thomas Bulkeley Esqr,<sup>t</sup>—Refuses ye<sup>e</sup> 2 first; Consents to ye<sup>e</sup> 3<sup>d</sup>.  
 John Thomas Esqr,—Refuses ye<sup>e</sup> 2 first; Consents to ye<sup>e</sup> 3<sup>d</sup>.  
 John Wynne Esqr,—Refuses ye<sup>e</sup> 2 first; Consents to ye<sup>e</sup> 3<sup>d</sup>.  
 Lewis Meyrick, Att’—Refuses ye<sup>e</sup> 2 first; Consents to ye<sup>e</sup> 3<sup>d</sup>.  
 + Thomas Price Esqr,—Absent.  
 Thomas Madrin Esqr,—Absent.  
 W<sup>m</sup>. Wynne of Llanonda [*Llanonda*] Esqr,—Absent.  
 Robert Hookes Esqr,—Refuses ye<sup>e</sup> 2 first; Consents to ye<sup>e</sup> 3<sup>d</sup>.  
 Hugh Bodurda Esqr,—Sheriffe.  
 | John Wynne Esqr,—But one in ye County of y<sup>t</sup> name.  
 William Glynne Esqr,—Absent.  
 + William Pughe of Penthrin<sup>§</sup> [*Penrhyn*] } Esqr,—Catholicks;  
 + Maurice Wynne of Grauanlin } Consent to all.  
 + John Rowland Esqr,—Not sworen.  
 Robert Wynne of Bodeschallen [*Bodysgallen, or Bodschanen*]  
 —Absent.  
 George Twiselton Esqr,—Refuses ye<sup>e</sup> 2 first; Consents to ye<sup>e</sup> 3<sup>d</sup>.  
 Catholick not  
 in Comission—Francis Griffith, gen. +

\* Sir Robert Owen K<sup>n</sup>t was M.P. for Carnarvon Borough in 1688. Without doubt the same to whom King James conveys his thanks through the Duke of Beaufort, at the time the Prince of Orange was at Torbay. (See Lord Preston's despatch to the Duke, p. 251-2 *antea*).

<sup>t</sup> He had been M.P. for Carnarvon Borough in 1685. [C. O. L.]

<sup>§</sup> Thomas Bulkeley of Dynas sat for the county Carnarvon in 1678 and 1685.

<sup>§</sup> Seems to be the same mentioned in Lord Preston's despatch to the Lord Lieutenant (p. 252 *antea*).

Dissenter not  
in Com.'—Rich<sup>d</sup> Edwards, gen. +

---

## DENBIGH : SHIRE,

## Deputy Leuitenants.

S<sup>r</sup> Evan Lloyd\*—Desires not to declare his opinion in ye first, till hee heares ye Debate in the house, if chosen; & consequently refuses what is desired in ye second, but consenteth to ye 3<sup>d</sup>.

S<sup>r</sup> Rich<sup>d</sup> Midleton,†—Is at present in judgment against ye first, but sayes hee knows not how it may bee altered by ye debate of ye house if chosen a member, and consequently cannot promise to comply in ye second, But consents to ye 3<sup>d</sup>.

S<sup>r</sup> John Wynne,‡—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.

John Wynne of Melay [Melial] Esqr,§—Refuses ye 2 first, & if otherwise, sayes hee could not perswade 10 men to vote with him.

Thomas Carter Esqr,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.

Cadwallader Wynne Esqr,—So much in debt does not appear any where.

Robert Davis Esqr,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.

Justices of ye Peace not Dep<sup>v</sup> Leiu<sup>ts</sup>:

S<sup>r</sup> Thomas Powell,||—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.

\* Sir Evan Lloyd of Yale, second and last Baronet; ob. 1700.

† Sir Richard Middleton of Chirk Castle; third Baronet; was M.P. for the county of Denbigh in 1685 and 1688; ob. 1716. Dinely, in his Notitia Cambro-Brittannica, states that he entertained the Lord President (the Duke of Beaufort) at Chirk, during his progress through the Principality in 1684.

‡ Would appear to be Sir John Wynn of Watstay (now Wynnstay), who ob. 1719, and was ancestor of the present Sir W. W. Wynn.

§ John Wynne of Melay, county Denbigh, was returned in 1664 for county Denbigh.

|| Sir Thomas Powell, second Baronet of Horsley and Birkenhead; ob. circa 1694.

S<sup>r</sup> Jeoffrey Shakerley,\*—Lives in Cheshire.

S<sup>r</sup> Roger Puleston,—Answers much to y<sup>e</sup> same purpose as S<sup>r</sup> Richd Midleton.

+ Owen Wynne, Serj<sup>t</sup> at Law, — Consents to all.

+ S<sup>r</sup> Griffith Jeffreys,—Not sworen.

John Maesmore Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

+ John Parry of Twisog Esqr,—A Catholick; Consents to all.

+ Sydney Godolphin Esqr,—Relate's to my Lord Chancell<sup>r</sup>.  
Charles Midleton Esqr,—Absent.

William Jones Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

+ Owen Salisbury Esqr,—Gone from Ludlow before I came, but  
I suppose Consenting, being a Catholick.

William Pugh Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

Ellis Lloyd Esqr,—If chosen reserves his opinion till y<sup>e</sup> Debate  
in y<sup>e</sup> house, & is for such to bee chosen as  
will do so.

Owen Thelwell Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

+ Bevis Lloyd Esqr,—Consents to all.

+ Maurice Wynne Esqr,—A Catholick.

Charles Goodman Esqr,—Absent.

Euble Thelwell Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

John Midleton Esqr,—Dead.

William Price Esqr, Lives in Flintshire w<sup>th</sup> y<sup>e</sup> B<sup>pp</sup> of S<sup>t</sup> Asaph.

Hugh Meredith Esqr,—Absent.

John Thelwell Esqr,—Dead.

Edward Wynne Esqr,—Absent.

Thomas Vaughan Esqr,—Absent.

Edward Brereton Esqr,—Absent.

David Maurice of Penybont [*Pen-y-bont*] Esqr,—Absent.

William Wynne of Melay [*Melai*] Esqr,—Refuses y<sup>e</sup> 2 first, and  
sayes if otherwise his endeavours would bee  
to no purpose.

Peter Ellys Esqr,—Not sworen.

Sidney Bunner Esqr,—Absent.

Heth Lloyd Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

John Dolben Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

\* Sir Geoffrey Shakerley Knt. of Holme, Cheshire; ob. 1696; ancestor of the present Sir Charles Shakerley, Bart.

|                             |                                                            |
|-----------------------------|------------------------------------------------------------|
| Catholicks not in Comission | + Edward Crew of Holt, gen.                                |
|                             | + Robert Pugh of Keven, gen.                               |
| Dissenters                  | + Capt. Thomas Ball of Burton,                             |
|                             | + Capt. W <sup>m</sup> Wynne of Kac:Knoppa ( <i>sic</i> ), |
|                             | + ——— Hughes of Penthrin [ <i>Penthryn</i> ].              |

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## FLINT : SHIRE,

## Deputy Leuttenants.

S<sup>r</sup> Roger Mostyn,\*—Could not come by reason of his age and infirmities, But sent mee the añexed Letter.  
[See *postea*].

+ S<sup>r</sup> John Hanmer,†—With the Regiment.

William Hanmer Esqr,—Absent.

Owen Barton Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

Thomas Hanmore‡ [Hanmer?] Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

+ Richard Parry of Comb [Cwm or Combe] Esqr,—Absent.

Thomas Eyton Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

Justices of y<sup>e</sup> Peace not Dep<sup>v</sup>: Leiu<sup>ts</sup>:

S<sup>r</sup> John Salisbury,§—Dead.

+ S<sup>r</sup> Edward Mostyn,—A Catholick.

Kenerick Eyton Jun<sup>r</sup>, Esqr,—Absent.

Lewis Meyrick Att', Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

+ George Pennant Esqr,—A Catholick.

+ Peirce Mostyn Esqr,—A Catholick; Consents to all.

\* Sir Roger Mostyn, first Baronet of Mostyn. He was thrice married, and a zealous Royalist, and died in 1726. (See Original letter from him 289 *postea*).

† Sir John Hanmer, third Baronet, M.P. for county of Flint in 1685 and 1688; a Major-General with William III. at the Battle of the Boyne; ob. 1701; ancestor of the present Sir W. E. Hanmer.

‡ Thomas Hanmer (assuming the name misspelt), was nephew to Sir John Hanmer; and succeeded in 1701 as fourth Baronet.

§ This was Sir John Salusbury of Llewenny, M.P. for Denbigh in 1678 temp. Charles II. He died s.p. 1684. His descendant in the female line is the present Viscount Combermere.

William Price Esqr,—Absent.

- + Edward Pennant Esqr,—A Catholick ; Consents to all.
- + Edward Petre Esqr,—A Catholick ; Consents to all.
- + William Fitzherbert Esqr,—A Catholick ; Consents to all.  
Thomas Mostyn of Bringford Esqr,—Absent.
- William Griffith Esqr,—Aged and very infirme.
- Robert Whitley Esqr,—Absent.
- Thomas Lloyd Esqr,—Absent.
- Thomas Evans Esqr,—Absent.
- William Rutter Esqr,—Refuses ye 2 first ; Consents to ye 3d.
- Thomas Cratchley Esqr,—Absent.
- Thomas Griffith of Caerwayes [Caerwys] Esqr,—Absent.
- Edward Lloyd of Tiddin [Tyddyn] Esqr,—Absent.
- + John Gwynne of Gop, Esqr,—A Catholick ; Consents to all.
- + Thomas Edwards of Rhyvall Esqr,—Absent.
- Thomas Jones of Halkin Esqr,—Refuses ye 2 first ; Consents to  
ye 3d.
- John Broughton Esqr,—Absent.  
No Roman Catholicks in this County but what are in yt  
Comission of ye Peace.  
Or Dissenters of note or Estate.

#### GLAMORGAN : SHIRE,

##### Deputy Leuteneants.

S<sup>r</sup> Edward Mansell of Margam,\*—Absent, not able as hee sayes  
to ride ; not having rid 10  
miles this 4 yeares.

S<sup>r</sup> John Aubrey,†—A crasy Body ; as hee sayes, not able to under-  
take the Journy.

S<sup>r</sup> Richard Bassett,‡—Absent.

\* Sir Edward Mansel, third Baronet of Margam, was son of Sir Lewis Mansel by the Lady Elizabeth Montague, daughter of Henry, Earl of Manchester ; was M.P. for the county in the Restoration Parliament, and in 1685. He died in 1706; his son Sir Thomas was created Baron Mansel of Margam.

† Apparently Sir John Aubrey, second Baronet of Llanthrithyd, who married daughter of Sir John Lowther, of Lowther, county Westmorland.

‡ Sir Richard Basset of Beaupré, knighted in 1681; ancestor of the present Mr. Basset of Beaupré near Cowbridge.

William Herbert Esqr,—Absent.

David Jenkins Esqr,—Very infirme.

David Evans Esqr,—Absent; came parte of ye way, and having  
a dangerous fall, forced to returne.

S<sup>r</sup> Edward Mansell acknowledges ye receipt of my  
Summons to this County, & attests that hee gave notice  
thereof to the Gentlemen above written by name, and  
to all ye rest of ye Justices of ye Peace that were in the  
County.

Justices of ye Peace not Dep<sup>ty</sup> : Leiu<sup>ts</sup> :

Francis Gwynne Esqr,\*—Not sworen.

+ Richard Carne Esqr,<sup>t</sup>—A Catholick.

Thomas Lewis Esqr,—Absent.

William Thomas Esqr,—Absent.

+ Christoph<sup>r</sup> Turberville of Pendllin [*Penlline*] Esqr,—A Catholick;  
lives in Barkshire.

+ Christoph<sup>r</sup> Turberville Esqr,—A Catholick in France.

Robert Roberts of Nequeisse Esqr,—Absent.

Thomas Morgan of Llanrumny Esqr,—Absent.

+ Thomas Carne Esqr,<sup>t</sup>—Absent.

Richard Lewis Esqr,—Lives in Wiltshire.

+ S<sup>r</sup> Thomas Stradling,:—A Catholick.

John Windham, Serj<sup>t</sup> at Law,—Absent.

Thomas Lewis of Llanishen Esqr,<sup>§</sup>—Absent.

John Vann Esqr,—Absent.

Richard Lougher Esqr,—Absent.

+ John Carne Esqr,—Absent.

\* M.P. for Cardiff in 1685.

<sup>t</sup> Thomas Carne of Nash, married daughter of Sir E. Stradling. Possibly the Colonel Carne mentioned in Lord Preston's despatch (p. 252 *antea*) may be the Justice here alluded to, or the above Richard Carne. An earlier member of this family was Sir Edward Carne of Nash, ambassador at Rome temp. Phil. and Mary.

<sup>;</sup> Son of Sir Edward Stradling (second Baronet) of St. Donats. Was knighted by James II. The Stradlings are said to descend from one of Bernard de Newmarch's "twelve knights," who conquered Glamorgan.

<sup>§</sup> Llanishen House in Glamorganshire, originally a seat of the Vaughans, and then of the Lewis family, is now in ruins.

William Herbert of Kilbibby Esqr,—Refuses y<sup>e</sup> two first; Consents to y<sup>e</sup> 3<sup>d</sup>.

Rowland Dawkins Esqr,—Not able to ride, but I suppose consents to all, because a Dissenter.

+ S<sup>r</sup> Humphry Mackworth,—[No entry against his name.]

No Catholick of note or estate out of Comission of y<sup>e</sup> Peace in this County.

|                                |                                                                                                                                            |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Dissenters not<br>in Comission | + S <sup>r</sup> Humphry Edwyn Kn <sup>t</sup> *<br>+ John Watkins, gen,<br>+ Martin Button Esqr,<br>+ William Philips, gen. of Penrutten. |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|

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#### MERIONETH : SHIRE,

##### Deputy Lieutenants.

Edward Vaughan of Llydiard [Llwydiarth] Esqr,—Lives in Mountgomerysh<sup>r</sup>.

|                                                                                                                                                                                             |                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| William Price Esqr,<br>John Lloyd Esqr,<br>Lewis Owen Esqr,<br>Edmond Meyrick, Esqr,<br>Jenkin Vaughan Esqr,<br>Robert Wynne Esqr,<br>Robert Wynne of Maes-y-Neioddh [Maes-y-Nenedd?] Esqr. | } [No Entries against these names.] |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|

##### Justices of y<sup>e</sup> Peace not Dep<sup>ty</sup>: Leiu<sup>s</sup>.

+ Gabriell Salisbury Esqr,  
+ Owen Salisbury Esqr,—A Catholic.

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\* Sir Humphry Edwyn of London, merchant, was knighted in 1687, and Lord Mayor of London in 169—. His son Samuel was Usher of the Court of Receipt of the Exchequer. The Visitation for Herefordshire has a pedigree of the same name and arms (Le Neve.)

- Roger Price Esqr,  
 Rowland Price Esqr,  
 Robert Price Esqr,  
 Griffith Nanny Esqr,  
 Oliver Thomas Esqr,  
 Richard Owen Esqr,  
 John Vaughan Esqr,  
 + Thomas Price Esqr,  
 Nathaniel Jones Esqr,  
 Griffith Vaughan Esqr,  
 Owen Anwill Esqr,  
 William White Esqr,  
 Richard Mostyn Esqr,  
 John Wynne Esqr,  
 John Lloyd Esqr,  
 Vincent Corbett Esqr,  
 William Wynne Esqr,
- Of this County none appeared but Mr. Robert Price, (who refuses the two first, but Consents to ye third.) The Pretence is, That ye Letter was not communicated, being sent to Coll: William Price, who it seems lives in another county with ye BPP of S<sup>t</sup> Asaph, but affirmed by Mr. Robert Davis to have bin seene notwithstanding. Besides very few in comission for this county but have estates, & are in comission in some other counties in Wales, and consequently must have had notice by ye sumons that were owned to come into other counties.
- Since this Memorand' was writt, there came a letter from some of ye gen<sup>m</sup>, w<sup>ch</sup> is hereunto annexed.\*

No Catholick of note or estate out of ye Comission of ye Peace in this County.

Dissenters not in Comission { Ellis Davis of Bedweni,  
 Owens of Rhoswanas.

#### MOUNTGOMERY : SHIRE,

#### Deputy Lieutenants.

Edward Vaughan of Llyddiard Esqr, †—Not for taking away ye Test. As for ye Penall Laws, content with what alterac'on thought fitt by his Mat<sup>e</sup> & the Parliament; willing to live peaceably with all men.

Edward Lloyd Esqr,—Refuses ye 2 first; Consents to ye 3<sup>d</sup>.

\* See postea, p. 290.

† M.P. for county Montgomery in 1678 and 1688.

William Pugh of Mathavarne Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

Richard Mostyn Esqr,—Absent under greate debts.

Rees Wynne Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

- + John Mathews Esqr,—Much y<sup>e</sup> same w<sup>th</sup> Mr. Vaughan above.
- Evan Glynne Esqr,—Refuses y<sup>e</sup> 2 first, Consents to y<sup>e</sup> 3<sup>d</sup>.
- Price Devereux Esqr,\*—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

Justices of y<sup>e</sup> Peace not Dep<sup>v</sup>: Leiu<sup>ta</sup>:

S<sup>r</sup> Rich<sup>d</sup> Corbett,—Dead.

S<sup>r</sup> John Price,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

S<sup>r</sup> Thomas Price,†—Dead.

Walter Clapton Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

Nathaniell Maurice Esqr,—Is not concerned in y<sup>e</sup> (1); Refuses y<sup>e</sup> (2); Consents to y<sup>e</sup> 3<sup>d</sup>.

James Palmer Esqr,—Dead.

- + Thomas Bartlett Esqr, Dead } Catholicks.
- + Thomas Price Esqr,

Henry Newton Esqr,—Doubtfull as to y<sup>e</sup> Test; Consents to y<sup>e</sup> rest as by his letter.

Thomas Mostyn Esqr,—Absent.

Charles Herbert Esqr,‡—Absent.

Edward Barrett Esqr,—Absent.

Henry Waring Esqr,—Absent.

William Oakley Esqr,—Absent.

Robert Leighton, Esqr,—Absent.

Daniell Whittingham Esqr,—Absent.

Richard Herbert Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

David Maurice of Peny:bank,—Absent.

Arthur Weaver Esqr,—Absent.

John Kiffen Esqr,—Absent.

Robert Lloyd Esqr,—Is not concerned in y<sup>e</sup> (1), Refuses y<sup>e</sup> (2), Consents to y<sup>e</sup> 3<sup>d</sup>.

John Edwards Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

\* Price Devereux of Vaynor was returned for Montgomery in 1691.

† Doubtless Sir Thomas Pryse (or Price), third Baronet of Gogerddan, who died s.p. in 1682, and was succeeded by his nephew Sir Carbery Price.

‡ Charles Herbert of Aston was M.P. for Montgomery in 1688.

Vincent Peirce Esqr,—Absent.

Charles Wynd Esqr,—Absent.

No Catholicks of note or estate in this county, but what  
are already in Comission of y<sup>e</sup> Peace.

Nor no Dissenters in y<sup>e</sup> County y<sup>t</sup> has over a hundred  
pounds p ann<sup>m</sup>, except Mr. Charles Lloyd of Doleo-  
bran, a Quaker.\*

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### PEMBROCK : SHIRE,

#### Deputy Leuitenants.

S<sup>r</sup> Erasmus Philips,†—Very ill & aged.

S<sup>r</sup> Hugh Owen,‡—Sick at Haverfordwest.

S<sup>r</sup> John Barlow,§—Indisposed.

William Philips Esqr,—Very old.

Thomas Lloyd Esqr,—A cripple.

Lewis Wogan of Bolston|| [Boulston or Bulston] Esqr,—Hurt by  
a Fall.

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\* Mr. Lloyd of Dolobran is worthy of note as an instance of one who was relieved by James II. dispensing acts. Becoming a member of the Society of Friends, when first founded by George Fox, he refused as a matter of conscience to take the oaths prescribed by law to Charles II. He was consequently subjected to the persecuting effect of the Penal Laws as a Quaker, and committed to Welshpool jail for several years, and not finally released until the "Declaration of Liberty of Conscience" was promulgated by James II., as to which the 3<sup>d</sup> of the present Questions, contained in that King's Instructions to the Magistrates now under notice, is especially directed.

† Son of Sir Richard Philipps (second Baronet) of Picton Castle in this county. Sir Erasmus Philipps married as his first wife daughter of Thomas, Earl of Winchelsea, and died 1697.

‡ Second Baronet of Orielton, in Pembrokeshire, M.P. for the county in 1678 and 1688. In a despatch from Lord Preston to the Lord Lieutenant, the Duke of Beaufort, about this time, is the following passage reflecting upon him:—"Your grace will observe the importance of the advise if it be true. His Majesty's direction therefore upon it to you is, that your grace take care that Sir Hugh Owen, whom we believe to live in Pembrokeshire, be strictly observed, and that if he be found to act any way contrary to his duty, your grace would be pleased to give notice of it to his Majesty, either by my Lord Middleton or myself." [Hist. MSS. Com. vii, 348.]

§ Sir John Barlow of Slebetch, county Pembroke; created Baronet in 1677; ob. circa 1695. His brother William accompanied James II. on his abdication to St. Germains.

|| Entertained the Duke during his progress through the Principality in 1684. (Dinely.)

**Essex Meyrick Esqr,—Absent.**

William Mordant Esqr,—Refuses ye<sup>e</sup> 2 first; Consents to ye<sup>e</sup> 3<sup>d</sup>.

Griffith Dawes Esqr,—Antient.

John Owen Esqr,—Refuses ye<sup>e</sup> 2 first; Consents to ye<sup>e</sup> 3<sup>d</sup>.

Lewis Wogan of Gwiseton Esqr,—Absent.

The Mayor of Haverfordwest Esqr,—Absent.

### Justices of ye<sup>e</sup> Peace not Dep<sup>v</sup>: Leiu<sup>s</sup>:

- + William Barlow senr Esqr,\*—Catholick, Consents to all.
  - Arthur Owen Esqr,†—Absent.
  - Rowland Langherne Esqr,‡—Not sworen.
  - John Cannon Esqr,—A Cripple.
  - William Scowerfield Esqr,—Absent.
  - Arthur Langherne Esqr,—Refuses ye<sup>e</sup> 2 first; Consents to ye<sup>e</sup> 3<sup>d</sup>.
  - Hugh Bowen Esqr,—Refuses ye<sup>e</sup> 2 first; Consents to ye<sup>e</sup> 3<sup>d</sup>.
  - + Walter Midleton Esqr,—Consents to all.
  - Lewis Morgan Att' Esqr,—Very old.
  - Thomas Corbett Esqr,—Refuses ye<sup>e</sup> 2 first; Consents to ye<sup>e</sup> 3<sup>d</sup>.
  - Griffith Hawkswell Esqr,—Absent.
  - Geo: Owen, sacr' Theolog' p'fesso'—Absent, but ye<sup>e</sup> BPP of St. Davids can give an acco<sup>t</sup>: of him, & Dr. Ellis.
  - John Philips Esqr,—Refuses ye<sup>e</sup> 2 first; Consents to ye<sup>e</sup> 3<sup>d</sup>.
  - David Williams Esqr,—Laide up with ye<sup>e</sup> Gowte.
  - James Lloyd Esqr,—Absent.
- No Catholick of any note or estate out of ye<sup>e</sup> Comīssion of  
ye<sup>e</sup> Peace in this County.
- No Dissenter of Note or Estate in this County.

### RADNOR : SHIRE,

#### Deputy Lieutenants.

\* See note p. 285 He appears to have sat for Pembrokeshire in 1685.

† Arthur Owen of Johnston, was M.P. for Pembroke in 1678, 1685, and 1688.

‡ Rowland Langherne, who died in 1676, had sat for Pembroke, and was possibly father of this justice.

S<sup>r</sup> John Morgan,\*—Of the same [*mind*] as when spoke to before  
from [*by*] y<sup>e</sup> King; But to y<sup>e</sup> test in y<sup>e</sup> affirmative.  
Richard Williams Esqr,†—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.  
Richard Fowler Esqr,‡—Dead.  
Edward Davis Esqr,—Durst not come for debt.  
Edward Price Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.  
William Probert Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.  
Edward Lewis Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.  
Nicholas Taylour Esqr,§—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.

### Justices of y<sup>e</sup> Peace not Dep<sup>v</sup>: Leiu<sup>ts</sup>:

- + James Baskerville Esqr, } Catholicks.
- + Anthony Lochard Esqr, }
- James Lloyd Esqr,—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.
- John Walsham Esqr,||—Refuses y<sup>e</sup> 2 first; Consents to y<sup>e</sup> 3<sup>d</sup>.
- Catholicks not in Comīssion, { + Mr. Richard Vaughan of Courtfield,\*\*
- + Mr. Hugh Lewis,
- { + Mr. Gabriell Taylour,
- + Mr. Evan Lewis,
- + Mr. Thomas Williams,
- + Mr. Thomas Holl,
- + Mr. Thomas Tenman.
- Dissenters not in Com', { Com' Glamorgan, { S<sup>r</sup> Richard Bassett,  
David Evans Esqr,
- Com' Brecon,—Richard Games Esqr.
- Mr. Evans has complied with y<sup>e</sup> Kings desires in the Questions proposed.
- The other 2: are officers in the Army;
- They were all 3: formerly in both the Comīssions of y<sup>e</sup> Peace, and Leutency.

\* Sir John Morgan, second Baronet, of Kinnersley Castle in Herefordshire; M.P. for that county, and Governor of Chester. The Baronetcy became extinct in 1767.

† Of Cabalva (Caebalsa) county Radnor; M.P. for New Radnor in 1688.

‡ The Fowlers were of Abbey Cwmhir in this county.

§ Nicholas Taylor of Heath, was Sheriff of the county in 1688.

|| Apparently John Walsham of Knill Court, in Herefordshire; sheriff of Radnorshire in 1670, ob. 1695; and ancestor in the female line of the present Sir John Walsham Bart.

\*\* This is undoubtedly the place near Bicknor, on the Welsh side of the Wye, where it is said that Henry V. was nursed by the Countess of Salisbury.

I desire they may bee put into ye one, & that I may have his Mat<sup>ies</sup> Approbac'on of them for ye other.

There is one Mr. Griffith Elliot of ye County of Carmarthen, who is proposed by some hand to bee put into the Comission of ye Peace in y' County; hee has not any Estate, and desires hee may not bee put in.

(Signed),

BEAUFORT.

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As to the Corporations within my Leutency, I know not at present any persons (of such as have declared themselves willing to comply with ye measures mentioned in the Instructions), That either have credit enough of their owne, or are in any probabillity to bee chosen parliament men by assistance of theire friends, except Mr. Powell & Mr. Wagstaffe in Gloucester, Mr. Geers at Hereford, Mr. Thomas Herbert at Monmouth, & Mr. William Barlow at Haverfordwest,\* and no one of these without difficulty, even when the Corporations are new modelled, and purged ; for in all, except Tewxbury, the election having bin by prescription, could not be regulated by the new Charters, & placed in the Magistrates, but continues still in the Freemen, w<sup>ch</sup> are very numerous, & not subject to be put in or out at the Kings pleasure, & generally averse to the taking away of ye Test, but in Malmsbury, & Ludlow (two Corporations, tho' not w<sup>ch</sup> in my Leutency), where I was instrumentall in procuring the new Charters, I might possibly prevaile to have such chosen.

I have in this accompt kept my selfe strictly to ye words of ye Instructions, w<sup>ch</sup> directed I should write downe particularly of every individuall Deputy Leiu<sup>t</sup>, & Justice of ye Peace, (whom I tooke singly one by one), whither hee Consented, Refused, or was Doubtfull, w<sup>ch</sup> I at last reduced all theire severall discourses to ; Butt I cannot but in Justice say this in generall of those I have put downe Refusing, or Doubtfull, that there were very few of them, that did not shew to bee much troubled that they could not comply with what ye King desired, and that did not declare, they would alwaies bee ready to venture Life and Fortune in his service ; & would never refuse to comply with any

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\* See foot-note to p 285.

intimation of his, as far as theire Consciences would give them Leave ;  
That, as to this, they did apprehend the consequence of ye Repeale  
now desired, would bee destructive to ye Religion they professed, w<sup>ch</sup>  
feare they saide, (tho' possibly groundlesse), yet to them that could not  
help being posses't with it, made it they conceaved Sin in them to con-  
tribute towards it.

(Signed).

## BEAUFORT.

### Answe<sup>r</sup> by Letter.

S<sup>r</sup> ROGER MOSTYN'S LETTR<sup>R</sup> TO Y<sup>r</sup> DUKE OF BEAUFORT.

Mostyn, Decemb<sup>r</sup> 24<sup>th</sup>, 1687.

May it please yo<sup>r</sup> Grace,

Immediately after the Receipt of yo<sup>r</sup> Grace's Circular Letter I sent servants of mine own w<sup>th</sup> the Originall to one end of the County, & true Copies of it to the other parts, so that each Deputy Leutent<sup>i</sup> & Justice of ye Peace now resident in the County, as well sworn as not, had particular notice of it, in order to their attending Yo<sup>r</sup> Grace att Ludlow, where I amongst the rest Intended to be, in obedience to Yo<sup>r</sup> Grace's co<sup>m</sup>and, but my unhappiness was such by my indisposition, that I was not able to travaile so farr, had it bin to save my life, therefore most humbly beg Yo<sup>r</sup> Grace's favourable pardon. As to the proposalls I most humbly beg that Yo<sup>r</sup> Grace will be pleas'd to signifie to his Matie, that I have & shall serve him Loyally and faithfully with my life and fortune, And as to his Maties Gracious Declaration of indulgence, I shall diligently observe it in living peaceably & easy (as I have hitherto done), with all his Maties Subjects of what perswasion soever they be.

I most humbly subscribe myself

Yor Grace's

**Most obedient & most humble serv<sup>nt</sup>,**

(Signed), R. MOSTYN,  
Justice.

(Addressed),

For his Grace the Duke  
of Beaufort  
att Beaufort House  
London.

(Seal in red wax broken :—A female head.)

[ORIGINAL LETTER FROM CERTAIN MAGISTRATES OF THE COUNTY  
OF MERIONETH.]

Towin, the 20<sup>th</sup> December, 1687.

May it please Yor Grace,

Being informed that the gentlemen in the Comission of the Lieutenancy and the peace in the severall Counties of Wales, in obedience to Yor Grace's Letters of Summons unto them, have lately attended Yor Grace at Ludlow with theire p'ticular answers to the questions Yor Grace was then pleased to propose unto them by his Majties Comand, and being [seeing?] there was noe appearance then for the County of Merioneth, occasioned through a miscarriage in some, to whome Yor Grace's letter was directed, in not furthering it on to the rest of the gentlemen of that County, depriving them thereby of the honour of obeying, as they were of receiving it;

Wee the p'sons, hereunder named, being thus very sensibly disapointed of the honour of attending Yor Grace in p'son with our sentiments; now humbly tender these subsequent answeres, Jointly (to avoid multiplicity of trouble by severall answeres), as the reall dictates of our Consciences, beseeching Yor Grace's condescension to an acceptance thereof in this mañer, without p'ceeding to a new summons in this unseasonable tyme.

(1) & (2). As to the first and second question, wee think in our consciences that the Test is a law not to be abrogated, as being the sole support and defence, (together with his Majties gracious assurances of p'tection), of the established religion and Church, whereof wee are all members, to the abolishing of w<sup>ch</sup> should wee assent, wee think that thereby wee tacitly condemne one of the greatest tenents [*tenets*] our Church maintaines, and that in the blessed Sacram<sup>t</sup>. As for some of those laws that were enacted at the first establishing of this nationall Church, and some later Acts concerning dissenters from the same

Church, wee will leave them to the wisdome of a Parliament, when the King is pleased to call one, to determine thereof as they thinke fitt, and most agreeable with the ease of his Majties subjects and the settlement of the Government, and wee hope to make choice, (as hitherto wee have done), of such a member to represent us therein, of whose loyaltye and concurrence with his Majties desires & safety of the established religion, there shall be noe doubt.

(3) As to the last question, wee thinke, wee should much degenerate from the principles of our religion, if wee did not Live peaceably with our fellow subjects, being what the first founders of our religion and Church, (the primitive Christians), did with those very heathens that p'secuted them ; much more wee thinke it our duty to Live in peace and charity with those that p'fesse Christianity, though of different p'swasions, as long as they live obediently under his Majties government, as wee are resolved ever to doe; as well as out of a just esteeme for his sacred p'son, as out of a principle of duty ; whose reigne that it may be long and happy over these nations wee dayly pray for ; and in the next place that wee [may] never want the good influence of Yor Grace's Lieutenancy in the Welch Counties, (as wee hitherto have enjoyed), are the hearty desires of

Yo<sup>r</sup> Grace's

Most humble & obedient servants,

(Signed),

JOHN LLOYD,  
GRIFFITH VAUGHAN,  
JOHN LLOYD,  
LEWIS OWEN,  
VINCENT CORBETT,  
RICHARD OWEN,  
JENKIN VAUGHAN,  
ROBERT WYNNE.

(Addressed),

To the most Noble his Grace  
the Duke of Beaufort  
att Beaufort House in  
London.

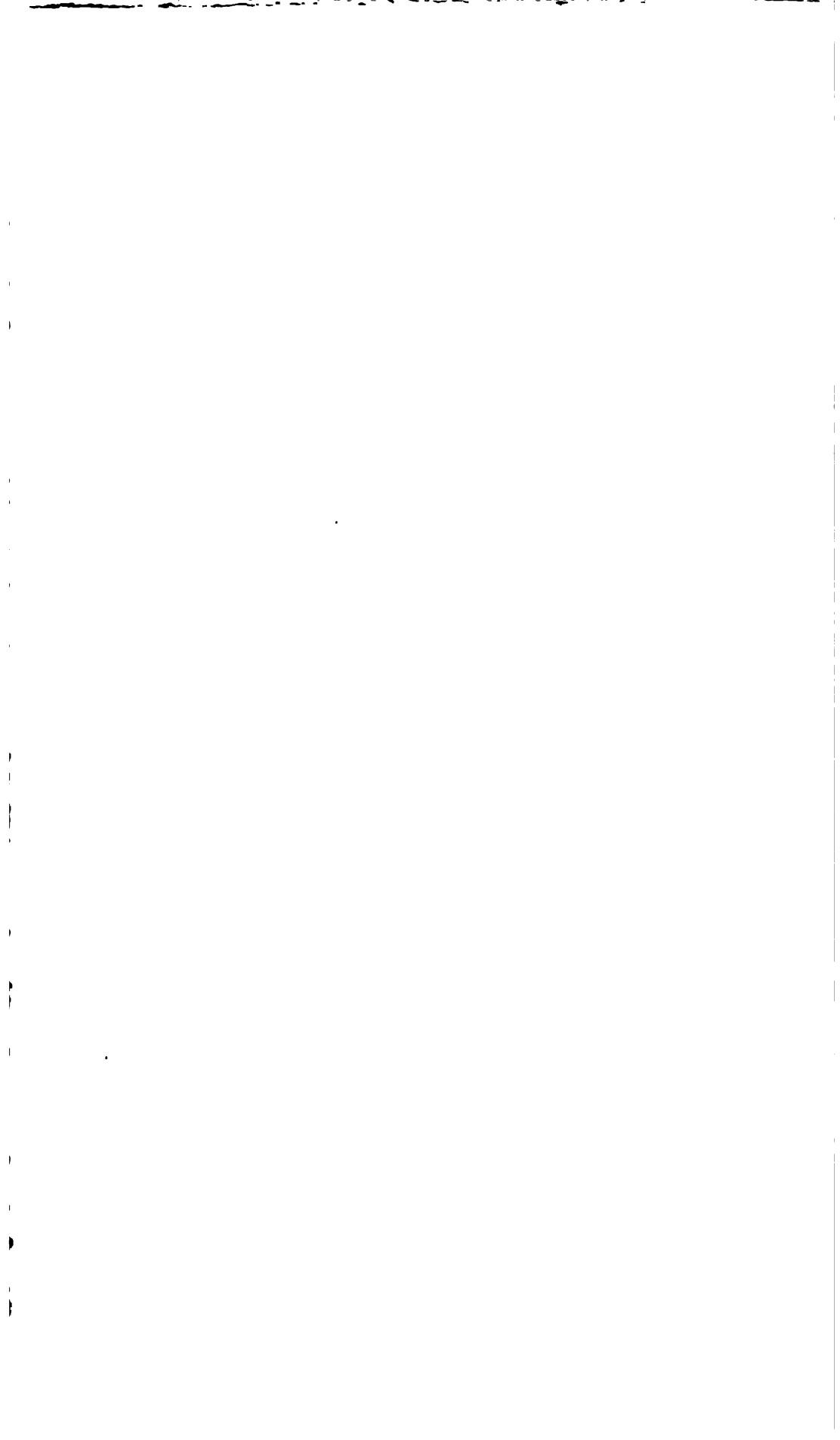
humblly p'sent.

(Seal:- A wafer.)

[Rawl. MS. A 139<sup>a</sup>, ff 140—180, Bibl. Bodl.]



Norfolk.



# Penal Laws and Test Act;

PROPOSED REPEAL OF THE SAME IN 1687-8;

*In respect of the Deputy Lieutenants and Magistrates of Norfolk.*

[From the Original Documents in the Bodleian.]

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THE Lord Lieutenant was at the time the Questions under notice were propounded to the Magistracy of this County, Henry, seventh Duke of Norfolk, and had been so appointed in the first year of James II. reign. He was also Lieutenant of the counties of Surrey and Berks.

On the threatened invasion of the country by William of Orange, James, fully alive to the danger of his position, but actuated as much by motives of self-interest, as from compulsion, and the impending consequences to his kingdom, was brought by force of these influences to repeal some of his most obnoxious and recent acts. The Protestant Lords Lieutenant superseded for their non-compliance with his instructions, and the magistrates of counties displaced for their Answers on the Penal Statutes, were as expeditiously reinstated in their offices, as they had been but a few months before arbitrarily and summarily removed. That step, however degrading and lowering to Royalty, did not in any way affect the Duke, the Lieutenant of the County, as regarded Norfolk, (assuming what is stated by Lord Macaulay to be authentic), for according to this historian, he was a Protestant,\* consequently one under whom the county officials were not unwilling to receive a renewal of their commissions. Although somewhat contradicted in the Bramston

"Memoirs,"† this assertion as to the Duke's religious tenets is almost corroborated by the fact, that after the actual landing of the Prince of Orange, it was suggested to the King, who had *then* removed his Catholic Lieutenants, to entrust to his further charge also the Three Ridings of Yorkshire.‡

The Answers to the King's Circular Questions, almost entirely in the negative in this County, appear to have been taken partly at Lynn, and partly at Norwich, and are embodied in the ensuing Return. A common Answer seems for the most part to have been understood among the responding Magistrates, according to a preconcerted arrangement.

\* The continuance in office of the Duke as Lord Lieutenant of Norfolk is thus given by Macaulay. Quoting two despatches of Van Citters, the Ambassador from the States of Holland, of November 22 and December 27, 1687, he observes:—"The Duke of Norfolk, though a *Protestant*, and though dissatisfied with the proceedings of the Government, had consented to become [remain?] its agent in two counties. He went first to Surrey, where he soon found that nothing could be done. He then repaired to Norfolk, and returned to inform the King that of seventy gentlemen who bore office in that great province, only six had held out hopes that they should support the policy of the Court." [Macaulay Hist. of Engl. ii, 132.]

† Sir John Bramston in his "Autobiography" speaks very authoritatively of the Address of the County of Norfolk to the King against its *Catholic Lieutenant* at the time the measure of reinstating the different officials removed (as stated overleaf), was being carried out. "The gentlemen in all counties almost," he observes, "where the Lieutenants were removed, and Papists put in, refused to take commissions under them. Norfolk sent an address, (which the King called a remonstrance) to that purpose; and in Essex, such as the Lord Petre sent to, (except Sir Anthony Brown, and as I heare, Sir Ed. Turner) refused, for that he was not qualified. So the King changed those *Lieutenants*." [Autobiography of Sir John Bramston, p. 325 (Cam. Soc.)] This apparent discrepancy may be partly explained by assuming that in the estimation of the people of Norfolk the Duke was only *nominally* a Protestant, and quite under the influence of his hereditary and Catholic associations, for at the time in question, not only were two of his sisters nuns, but his uncle Philip was a Cardinal, and his only brother Lord Thomas Howard was, according to Reresby [Memoirs 391], "a zealous Papist," whom the king had just appointed to one of the Ridings of Yorkshire in the room of the Earl of Burlington. Nevertheless he declared for the Prince of Orange soon after his landing, so that the same remark appears to apply in this case, which may be made in other instances at that time, namely, that religious faith was frequently governed by motives of self interest, and many called themselves Protestants or Catholics as best suited their purpose.

[Since the above was in type the question as to the Duke's religious tenets is quite set at rest by the following:—Sir John Reresby, writing under date of August 1, 1688, states, "I and my family went to Epsom to drink the waters. I met the Duke of Norfolk there, and he came to see me in London, where, discoursing of him, I found him firm to the Protestant religion, to which he had been converted in the late King's time, and not satisfied with the Court." Memoirs, p. 399.]

‡ See foot-note p. 120.

### Returns from Norfolk.

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Persons proposed to be Dep<sup>ty</sup> Lieutenants and Justices of the Peace for the County of Norfolke.\*

#### Norff

- + Henry Lord Richardson,†  
Sir Francis Jernegan Bart.,‡  
Sir Henry Hobart Bart.,§
- + Sir Augustine Palgrave Bart.,||  
Sir Roger Potts Bart.,\*\*
- + Sir Henry Bedingfeild Bart.,††  
William Windham Esqr,  
John Bedingfeild Esqr.,††
- + Thomas Wood Esqr,
- + Rob<sup>t</sup> Long Jun<sup>r</sup> Esqr. §§

#### Persons to be added as Justices.

- + Sir Edmund D'Oyley Bart.,|||

\* The "crosses" affixed to names apparently denote those on whom the King could rely: generally Catholics.

† William, Lord Richardson, Baron of Cramond in Scotland, held the manor of Little Hockham in Norfolk. He was son of Thomas, Lord Richardson, and grandson of Sir Thomas Richardson, Kt., created heir apparent to the above Barony. He died March 7th 1719, and was buried at East Walton in Norfolk.

‡ Sir Francis Jernegan (or Jerningham) of Cossey, third Bart., married daughter of Sir Walter Blount Bart., and is buried at Cossey. Ancestor in the female line of the present Lord Stafford of Cossey (or Costessy).

§ Sir Henry Hobart of Blickling in Norfolk, fourth Bart., represented Lynn in 1680, and the county of Norfolk in 1688-9. He was with William III. at the Battle of the Boyne, and killed in a duel in 1698. Ancestor of the present Earl of Buckinghamshire.

|| Sir Augustine (or Austin) Palgrave, was second Bart. of Northwood Barningham in Norfolk.

\*\* Sir Roger Potts, third Bart., of Great Elingham and Mannington in Norfolk.

†† Sir Henry Bedingfield, second Bart., of Oxburgh (or Oxborough) in Norfolk.

†† John Bedingfield was apparently second son of Sir Henry Bedingfield Bart., and died in 1693.

§§ Robert Long, here named, was possibly son of Francis Longe of Spixworth, or Robert Longe of Keymerston, whose younger son Francis purchased Spixworth.

||| Sir Edmund D'Oyley Bart. was of Shotesham in Norfolk.

Sr Peter Gleane Bar<sup>t</sup>,\*  
 + Sr Rob<sup>t</sup> Baldock Kn<sup>t</sup>,†  
 Sr Rob<sup>t</sup> Yallop Kn<sup>t</sup>,‡  
     Edward Bedingfeild Esqr,  
 + John Tasburgh Esqr,§  
     Beaumont Tasburgh Esqr,||  
 + John ffinsham Esqr, [Fincham] \*\*  
     John Norris Esqr,  
     Anthony Norris Esqr,  
 + Burradge Martin Esqr,††  
     Thomas Browne Esqr,  
     Jeremie Norris Esqr,  
     Will<sup>m</sup> Bludwell Esqr,  
     Erasmus Earle Esqr,  
     James ffountaine Esqr,  
     Edmund Blackborne Esqr,  
     Israell Long Esqr,‡‡  
     George Creamore,  
     Will<sup>m</sup> Oldfeild,  
     Edward Bedle,  
     Charles Wright,  
     Henry Negos, [Negus] §§

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\* Sir Peter Gleane of Hardwick, was the third Bart., and a Proctor of the Court of Canterbury. He sat for the county of Norfolk in 1679. [C.O.L.]

† Sir Robert Baldock, one of the Judges of the Common Pleas temp. James II., was knighted in 1671. and ob. 1691. He was of Tacolneston in Norfolk, and married the relict of Sir William Hewitt of Breckles in the same county.

‡ Sir Robert Yallop of Bowthorpe (or Beaumthorp), Kt., was grandson of Rowland Yallop of Rockland in Norfolk. He was knighted in 1664, and ob. 1705. His son son Charles Yallop (living 1696), married daughter and heir of Sir Edward Barkham of Westacre in Norfolk. The family seem to have sunk in the social scale for Charles's grandson (temp. Le Neve) was a linen draper in London.

§ John Tasburgh (or Taseburgh) of Bodney in Norfolk, was (according to Blomefield) fourth son of Sir John Tasburgh of Flixton in Suffolk.

|| Beaumont Tasburgh, son of the foregoing John Tasburgh. Blomefield styles him John Beaumont Tasburgh.

\*\* John Fincham of Outwell, in the Isle of Ely, had the advowson of Frense in Norfolk.

†† Burrage (or Borage) Martin of Thetford, was Deputy-Mayor of that Borough in 1682.

‡‡ Israel Long of Dunston in Norfolk, was buried there in 1709.

§§ Henry Negus was probably of Hofton (or Hoveton) in Norfolk.

Thomas Bacon Esqr,  
 Nathaniell Symons Esqr,  
 ffrancis Repps Esqr,\*  
 Isaack Motham Esqr,  
 Riches Browne Esqr,†  
 Edmund Britiffe Esqr,  
 + ffrancis Windham Esqr.

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### Answers.

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The Questions ask't the severall Deputy Lieut<sup>nts</sup> and Justices  
 of the Peace in the County of Norfolke.

1. If in case hee shall be chosen Knight of the Shire, or Burgesse of  
 a Towne, when the King shall think fitt to call a Parliament, Whether  
 hee will bee for taking off the Penal Laws and the Tests.
  2. Whether hee will assist and contribute to the Election of such  
 Members, as shall bee for taking off the Penal Laws and Tests.
  3. Whether hee will support the Kings Declaration for Liberty of  
 Conscience, by living friendly with those of all persuasions, as Subjects  
 of the same Prince, and good Christians ought to do.
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Return from ye County of Norfolk at ye Meeting at Lynn.

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The Answers of the Deputy Lieutenants and Justices of the  
 Peace of the County of Norfolke, that appeared upon the sum-

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\* Repps (or Repes) of West Walton in Norfolk.

† Riches Brown was of Fulmodeston in Norfolk, and ob. 1693.

mons of the Duke of Norfolke L<sup>d</sup> Lieutenant, at the meeting at Lynn.

+ Lord Richardson,

To ye 1<sup>st</sup> Question, Hee thinks that the Tests having been made out of Invectiveness to the Kings Person, they ought to bee repealed, and the penal Lawes also.  
To the second, That Hee will.  
To the third, That Hee is willing to do so.

S<sup>r</sup> Nicholas Lestrange,\*  
to the

1<sup>st</sup> Hee can not agree to it if hee bee chosen.  
2. In the negative.  
3. Hee will live friendly w<sup>th</sup> those of all perswasions, so long as they continue Loyal to their Prince.

S<sup>r</sup> Thomas Hare,† to the

1<sup>st</sup> Hee thinks the penal Lawes may bee reviewed, and some amendments made, but cannot consent to repeal them, nor the Tests.  
2. Hee will endeavour to choose those of the same minde.  
3. Hee is willing to live friendly and peaceably w<sup>th</sup> those of all perswasions, whilst they continue Loyal to the King and Government.

+ S<sup>r</sup> Augustin Palgrave,  
to the

1<sup>st</sup> That Hee is willing to comply w<sup>th</sup> the King in repealing the Tests and penal Lawes.  
2. Hee desires not to answer.  
3. Hee will alwayes live friendly w<sup>th</sup> those of all perswasions.

\* Sir Nicholas Lestrange of Hunstanton in Norfolk, was the third Bart. and ob. 1724. He sat for the Borough of Castle Rising in 1685.

† Sir Thomas Hare, second Bart. of Stow Bardolph, represented the county of Norfolk in 1685.

|                                               |                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| S <sup>r</sup> Jacob Astley,* to the          | { 1 <sup>st</sup> Hee is of opinion that some of the penal Lawes may admitt of a review and amendt, but Hee cannot by any means consent to the repealing of the Tests.<br>2. Absolutely in the Negative.<br>3. That Hee resolves to live friendly with those of all perswassions as Subjects of the same Prince and good Christians ought. |
| + S <sup>r</sup> Henry Bedingfield,           | { Complies w <sup>th</sup> the Kings pleasure in all points.                                                                                                                                                                                                                                                                               |
| S <sup>r</sup> Thomas Garrard,† to the        | { 1 <sup>st</sup> Hee cannot comply.<br>2. Hee answers in the Negative.<br>3. Hee is willing to live friendly w <sup>th</sup> all men.                                                                                                                                                                                                     |
| S <sup>r</sup> Christopher Calthorpe,‡ to the | { 1 <sup>st</sup> Hee cannot give his Consent to it.<br>2. Hee answers in the Negative.<br>3. Hee is willing to live friendly w <sup>th</sup> all men so long as they continue the Kings loyal subjects.                                                                                                                                   |
| S <sup>r</sup> Francis Guybon§                | { Was Absent, but sent a Letter whereby Hee desired not to answer to any of the Questions, not knowing but Hee might stand somewhere, and was resolved not to declare his opinion.                                                                                                                                                         |

\* Sir Jacob Astley first Bart. of Melton Constable in Norfolk, married daughter of Sir Philip Wodehouse of Kimberley, and was ancestor of the seventh (and present) Baron Hastings.

† Sir Thomas Garrard, second Bart. of Langford in Norfolk, ob. 1690.

‡ Sir Christopher Calthorpe of East Barsham in Norfolk, was made a Knight of the Bath at the Coronation of Charles II., and returned for the county of Norfolk in 1678, but the election was declared void.

§ Sir Francis Guybon (Gybon, Guibron, or Gibon,) of Gunthorpe and Thursford in Norfolk, was son of Sir Thomas Guybon K<sup>t</sup>, and ob. 1704-5. He is also named by Blomefield as of Lynn. He was elected for the borough of Thetford in 1688-9, and in 1689-90 [C. O. L].

Robert Walpole,<sup>\*</sup> to the

- { 1<sup>st</sup> Hee will not oppose an Act to confirme the Kings Declaration for libertie of Conscience, but cannot consent to the takeing of the Tests, till hee is convinced of the necessity of it.
- 2. Hee answers in the Negative.
- 3. Hee has alwayes done and hee will continue to live friendly w<sup>th</sup> those of all perswasions so long as they prove Loyal Subjects and obedient to the Government.

Edmund Wodehouse,<sup>†</sup> to the

- { 1<sup>st</sup> Hee thinks the penal Lawes may bee examined and amendments made, but as for the Tests hee conceives the Religion lyes too much at stake, if they should bee repeal'd, to consent to it.
- 2. Hee answers in the Negative.
- 3. That Hee is willing to live friendly with those of all perswasions.

Henry Oxburgh,: to the

- { 1<sup>st</sup> Hee is willing the penal Lawes be reviewed and amended, but cannot consent to repeal the Tests.
- 2. That Hee will endeavour to choose those of the same opinion.
- 3. Hee will live as becomes a Christian, friendly w<sup>th</sup> those of all perswasions.

\* Robert Walpole of Houghton in Norfolk, sat for Castle Rising borough in 1688-9. He was son of Sir Edward Walpole Kt. of the Bath, and father of Robert Earl of Orford, Prime Minister to Geo. I. and II; and ob. 1700.

† Edmund Wodehouse, second son of Sir Philip Wodehouse, Bart., of Kimberley, was of Lexham in Norfolk, and a Colonel of Militia in 1696. He died according to Blomefield, in 1727, and was a collateral ancestor of the present Earl of Kimberley.

‡ The Oxburgh family were of Emneth in Norfolk. Of the same family was possibly Colonel Henry Oxburgh, executed at Tyburn in 1716, for participation in the rebellion of 1715.

|                                           |                                                                                                                                                                                                                                                                                              |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Francis Cremer, to the                    | { 1 <sup>st</sup> Hee thinks the penal Lawes may bee look'd into and amended, but cannot consent to repeal the Tests.<br>2. Answers in the Negative.<br>3. Hee is willing to live friendly with those of all persuasions, soe long as they live peaceably, and as good subjects ought to do. |
| Robert Wardell, to ye                     | { 1 <sup>st</sup> That Hee cannot consent to repeale the Tests, but is willing the penal Lawes bee amended.<br>2. Answers in the Negative.<br>3. Hee is willing to live friendly with those of all persuasions.                                                                              |
| Lee Warner                                | { Absent.                                                                                                                                                                                                                                                                                    |
| Robert Coney, to ye                       | { 1 <sup>st</sup> Hee would consent to the altering some of the penal Lawes, but not the Tests.<br>2. Answers in the Negative.<br>3. Christian Charity obliges him to live friendly with those of all persuasions.                                                                           |
| Gabriel Armiger,*                         | { Not in the countrey.                                                                                                                                                                                                                                                                       |
| George Cremer, Recorder<br>of Lin [Lynn]. | { Very sick, and could not stirr out of his Bed.                                                                                                                                                                                                                                             |
| Thomas Wright,<br>+ John Fincham,         | Absent.                                                                                                                                                                                                                                                                                      |
| Thomas Barber,                            | Absent, but consents to all by his Letter to that purpose.                                                                                                                                                                                                                                   |
| Hatton Barners, [Barners]†                | Not in the countrey.                                                                                                                                                                                                                                                                         |
| + John Tasburgh,                          | Absent.                                                                                                                                                                                                                                                                                      |

\* Gabriel Armiger (or Armeier) was probably of North Creake in Norfolk.

† The name is known as Barners (or Barneis).

|                                   |                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Robert Day, to the                | { 1 <sup>st</sup> Hee would consent to have the Penal Lawes reviewed and amended, but not that either they or the Tests bee repeal'd.<br>2. Hee will endeavour to choose those of the same opinion.<br>3. That in answer to y <sup>e</sup> latter pt of the last Question, hee is willing to live quietly and peaceably w <sup>th</sup> them so long as they continue loyal subjects. |
| + Robert Long,                    | Absent, but sent word hee did consent to all.                                                                                                                                                                                                                                                                                                                                         |
| Francis Windham,                  | Absent.                                                                                                                                                                                                                                                                                                                                                                               |
| Thomas Pierson, to y <sup>e</sup> | { 1 <sup>st</sup> That till hee is convinced by farther reasons that they ought to be repeal'd, hee cannot consent to it.<br>2. Answers in the Negative.<br>3. Hee is willing to live friendly with those of all persuasions.                                                                                                                                                         |
| James Ward, to y <sup>e</sup>     | { 1 <sup>st</sup> Hee will not opose the reviewing and amending the penal Lawes.<br>2. Hee cannot doe it.<br>3. Hee will live friendly with his neighbours of all persuasions so long as they continue obedient to the Government.                                                                                                                                                    |

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### Return from Norfolk at y<sup>e</sup> Meeting at Norwich.

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The Answers of the Deputy Lieutenants and Justices of the Peace at the meeting at Norwich.

S<sup>r</sup> Francis Jerinngham [*Jerningham*],—Complies with all the 3 points.

1<sup>st</sup> Hee humbly conceives that if hee should bee chosen to serve in the next Parliament, Hee could not (as his present Judgment is) bee for the taking away of all the penal Laws and Tests.

S<sup>r</sup> John Holland,\* to the

- 2. Nor can contribute to the Election of such as should.
- 3. But hee shall live friendly with those of all perswasions as subjects of the same Prince, and beleeves it to be his duty as a good Christian soe to doe.

S<sup>r</sup> John Pettus,†

Not in the Countrey, nor could be spoke with since at London.

1<sup>st</sup> That if Hee be chosen Knight or Burgesse hee will bee for taking away the penal Laws and Tests, so far as shall be consistent w<sup>th</sup> the safety of the Church of England.

S<sup>r</sup> Robert Kempe, to the

- 2. Hee will bee for choosing such as hee beleeves will proceed in the Method afore mentioned.
- 3. Hee answers Hee is for living friendly with all mankinde so long as they continue Loyal, and is for liberty of Conscience, so far as the Church of England may be supported.

S<sup>r</sup> Thomas Ward,‡

Hee desired to be respited till hee comes to London.

\* Sir John Holland of Quidenham was created a Baronet by Charles I., and died in 1701.

† Sir John Pettus, third Baronet of Rackheath, (a property now belonging to Sir Henry Stracey Bart.) was Cupbearer to three successive Sovereigns,—Charles II., James II., and William III., and ob. 1698.

‡ Sir Thomas Ward, third Baronet of Bixley in Norfolk, ob. 1692.

S<sup>r</sup> William Cooke,\* to y<sup>e</sup>

- 1<sup>st</sup> That some of the penal Laws may require a review, and amendment, but not to part with the Tests.
- 2. Hee answers in the Negative.
- 3. That Hee resolves to live friendly with those of all persuasions as subjects of the same Prince, and good Christians ought to doe.

S<sup>r</sup> Edmund Doyly,

[No entry against this name].

- 1<sup>st</sup> That if Hee should bee chosen a Member of Parliament when the King shall think fit to call one, Hee can by no means consent to the takeing of the penal Lawes and the Tests, tho' hee is of opinion that in y<sup>e</sup> Penal Laws some things may bee reviewed and amended.

S<sup>r</sup> Nevile Cateline,<sup>t</sup>

- 2. Hee answers positively in the Negative.
- 3. That Hee will live friendly w<sup>th</sup> those of all persuasions as a good Christian ought to doe, so long as they continue Loyal, and obedient to the Government.

S<sup>r</sup> Thomas Meadowes,

Absent.

S<sup>r</sup> William Rante,<sup>t</sup> to y<sup>e</sup>

- 1<sup>st</sup> Hee answers in the Negative.
- 2. Hee answers also in the Negative.
- 3. Hee is willing to live friendly with those of all persuasions as long as they continue Loyall to the King, and obedient to the Government.

\* Sir William Cooke, second Bart., of Broome Hall in Norfolk; was M.P. for Yarmouth in 1685, and returned for the county of Norfolk in 1688-9, and again in 1689-90.

<sup>t</sup> Sir Neville Cateline, (Catelin, or Catlyn) Kt. of Kirby Cane in Norfolk, so created in 1662; sat for the county of Norfolk in 1678, and was M.P. for Norwich in 1685 and 1688. Of this family was Sir Robert Cateline, Chief Justice of the Queen's Bench in 1559-74. The father of the above Justice was Richard Catelyn of Kirby Cane, (or Kirkeby-Kam), having married daughter of Sir Henry Neville of Billingbere in Berkshire.

<sup>t</sup> Sir William Rante of Thorpe Market in Norfolk, knighted in 1672, was living (as per Le Neve) in 1696. Many of the family, according to the same authority, figure in the Church Registers of St. Stephen's, Norwich.

S<sup>r</sup> Robert Baldock,

Absent.

Thomas Knyvet Esq<sup>r</sup>,\*  
to y<sup>e</sup>

- { 1<sup>st</sup> That Hee thinks it reasonable the penal Laws be reviewed and amended, but not to repeal the Tests.
- 2. Hee answers in the Negative.
- 3. Hee is willing to live not only friendly but to serve them in any thing so long as they continue Loyal Subjects to the King and Government.

Robert Suckling Esq<sup>r</sup>,  
to y<sup>e</sup>

- { 1<sup>st</sup> Hee answers in the Negative.
- 2. Hee answers likewise in the Negative.
- 3. Hee will live peaceably and friendly with them whilst they continue good subjects.

John Harbord Esq<sup>r</sup>, to y<sup>e</sup>

- { 1<sup>st</sup> The penal Laws may admit a review and amendment, but Hee cannot consent to the repealing either of the Tests.
- 2. Hee answers in the Negative.
- 3. Hee alwayes did, and still desires to live friendly with those of all persuasions as a good Christian ought to doe, so long as they continue Loyal subjects, and obedient to the Government.

John Knyvet Esq<sup>r</sup>,\* to y<sup>e</sup>

- { 1<sup>st</sup> Hee answers in the Negative.
- 2. Hee answers also in the Negative.
- 3. Hee will live quietly and peaceably with all persuasions so long as they continue loyal subjects.

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\* The Knyvets of Buckenham were an old family, a branch of which settled at Ashwellthorpe in Norfolk. Thomas and John Knyvet, here named, were presumably the sons of Sir John Knyvet, Knight of the Bath, who died in 1673. Thomas the eldest ob. s.p. in 1693, and John (the second), a Captain in the army, died in Ireland in 1689. (Le Neve.)

Robert Houghton Esq<sup>r</sup>,  
to y<sup>e</sup>

- { 1<sup>st</sup> Hee is willing to have the penal Laws amended, so it be not prejudicall to the Church of England, but not the Tests repealed.
- 2. Hee will choose such as are of the same opinion.
- 3. ffor the latter part of the third, Hee is willing to live peaceably with all that will live so with him.

John Houghton Esq<sup>r</sup>, to y<sup>e</sup>

- { 1<sup>st</sup> Hee has no pretentions to be a Member of Parliament, but shall be sattisfied if the Parliament think fit to amend or alter the penal Laws.
- 2. Hee answers that Hee cannot do it.
- 3. Hee shall live friendly with his neighbours of all perswasions so long as they continue Loyall and obedient to the Government.

John Jay Esq<sup>r</sup>, to y<sup>e</sup>

- { 1<sup>st</sup> Hee answers that the Penal Laws may admit of a review and some amendment, but is not for repealing the Tests.
- 2. Hee answers in the Negative.
- 3. Hee will live peaceably and quietly with all perswasions, so long as they continue Loyall and faithfull to the King and Government.

Richard Wyth Esq<sup>r</sup>, to y<sup>e</sup>

- { 1<sup>st</sup> Hee is willing the penal Laws may bee reviewed, but not to repeal the Tests.
- 2. Hee answers in the Negative.
- 3. Hee always designes to live peaceably with all perswasions.

Francis Gardiner Esq<sup>r</sup>  
to y<sup>e</sup>

- { 1<sup>st</sup> Hee answers in the Negative.
- 2. Hee answers in the Negative also.
- 3. Hee will live friendly w<sup>th</sup> those of all perswasions.

**Leonard Mapes Esq<sup>r</sup>,**

Absent.

**Abraham Castle Esq<sup>r</sup>, to y<sup>e</sup>**

- { 1<sup>st</sup> That thrse may bee great alteratione made in the Penal Laws, but not to repeal the Tests.
- 2. Hee answers in the Negative.
- 3. Hee will live peaceably w<sup>th</sup> all true subjects of any perswasion.

+ **Francis Wyndham  
of  
Swardeson Esq<sup>r</sup>**

- to y<sup>e</sup> {
- 1<sup>st</sup> Hee is willing to comply with the Kings desires.
  - 2. Hee is willing to contribute to the Election of such as will do so.
  - 3. Hee is willing to comply in that also.

+ **Thomas Wood Esq<sup>r</sup>, to y<sup>e</sup>**

- { 1
- <sup>st</sup>
- Hee is willing to comply with his Ma
- <sup>ties</sup>
- desires.
- 
2. Hee will contribute to the Election of such as will do so.
- 
3. Hee is willing to comply also in this.

**Edward Bedel Esq<sup>r</sup>,**

Absent.

**John Repps Esq<sup>r</sup>, to y<sup>e</sup>**

- { 1
- <sup>st</sup>
- That if hee should be chosen Member to serve in Parliament, hee can by no means consent to the repealing of the penal Laws and Tests, tho' hee is of opinion the penal Laws and Tests may be review'd and amended.
- 
2. Hee answers positively in the Negative.
- 
3. Hee answers Hee will live friendly with those of all perswasions as a good Christian ought to do, as long as they continue Loyal subjects and obedient to the Government.

George Ward Esq<sup>r</sup>, to ye

- { 1<sup>st</sup> Hee is willing the penal Laws may be reviewed and amended, but not to repeal the Tests.
- 2. Hee will endeavour to choose those that will amend the penal Laws, and not revoke the Tests.
- 3. Hee always has and always will live peaceably with all perswasions, as long as they continue good subjects.

Doctor Rob<sup>t</sup> Pepper, to ye

- { 1<sup>st</sup> Hee is willing to amend the penall Laws, but not to repeal the Tests.
- 2. Hee will choose such as are of his owne opinion in the first.
- 3. Hee isfor living peaceably and quietly with all perswasions.

D<sup>r</sup> John Hildeyard Esq<sup>r</sup>  
to ye

- { 1<sup>st</sup> That Hee is not concern'd being a clergieman.
- 2. Hee cannot.
- 3. Hee will comply with it.

Charles Legross,

Not in the Country.

Thomas Sotherton Esq<sup>r</sup>,  
to ye

- { 1<sup>st</sup> Hee is willing the penal Laws bee reviewed and amendment made, but no Tests repeal'd
- 2. Hee answers in the Negative.
- 3. Hee will live peaceably and quietly with all perswasions.

Robert Davy Esq<sup>r</sup>, to ye

- { 1<sup>st</sup> That the penal Laws may be moderated, but not the Tests repealed.
- 2. Hee will endeavour to choose persons of known loyalty, and of the same opinion.
- 3. Hee will always live peaceably with all, so long as they bee loyal, and behave themselves peaceably with the Government.

John Richmond Esq<sup>r</sup>,

Absent.

John Norris Esq<sup>r</sup>,

Absent.

John Hyde Esq<sup>r</sup>, to y<sup>e</sup>

- { 1<sup>st</sup> Hee is willing the penal Laws may bee inspected, and any amendments made concisting (*sic*) with the safety of the Church of England, but not to repeal either Test.
- 2. To choose such as are of y<sup>e</sup> same opinion.
- 3. Hee is willing to live friendly w<sup>th</sup> all persons of all persuasions y<sup>t</sup> are faithfull and obedient to the King and Government.

Hugh Hovell Esq<sup>r</sup>, to y<sup>e</sup>

- { 1<sup>st</sup> Hee cannot in Conscience consent.
- 2. Nor to the Election of such as shall take of the penal Laws, and Tests.
- 3. Hee shall live friendly and peaceably with all men of all persuasions, so long as they continue Loyal subjects.

+ Burrage Martin of Thetford, Esq<sup>r</sup>, to y<sup>e</sup>

- { 1<sup>st</sup> If it happens Hee be chosen a Member of Parliament, hee shall willingly bee for taking of the penal Statutes, and the Test.
- 2. Hee shall willingly contribute to the election of such.
- 3. Hee shall willingly support the Kings Declaration for liberty of conscience.

These are all that reside or inhabit in the County, and except such as are in all Commissions as belonging to the Navy or Customes.

## Justices.

[*In another hand.*]

Doctor John Hilyard,  
*John Houghton Esq<sup>r</sup>, (sic)\**  
 Henry Massham Esq<sup>r</sup>,  
 Charles Yallop Esq<sup>r</sup>,†  
 Yelverton Peyton Esq<sup>r</sup>,  
 Samuell Grant Esq<sup>r</sup>.

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## NORFOLKE.

The Justices of peace within eight miles of Lynn are all out, and none that are now in y<sup>e</sup> List lives neere Lynn, besydes y<sup>e</sup> Recorder [*who*] is dying or dead, w<sup>ch</sup> makes it absolutely necessarie to have three for that district, and y<sup>e</sup> Duke of Norfolke approves of

Mr. Clinton,  
 Mr. Gosper [*Gasper?*] Cator,  
 Mr. Valentin Pell.

[Rawl. MS. 139 A, ff 77—96.]

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## Reports from the King's Agents.

Extract from two Reports for the County of Norfolk, dated respectively 19th April and September 1688, from the King's Agents sent into the country to influence the Electors.

\* Erased in the original.

† See footnote p. 298 *antea*.

To the King's most Excellent Majestie,  
May it please Yo<sup>r</sup> Mat<sup>ie</sup>,

Wee most humbly tender to Yo<sup>r</sup> Mat<sup>ie</sup> an accompt of the Transactions of several of those Agents lately sent into the Country &c., &c.\*

[*1st Report*]

**NORFOLKECOUNTIE.** There will be proposed S<sup>r</sup> Henry Hobard who is right by inclination, Dr Collins who is his Chaplaine hath engaged for him, and Mr. — Windham of whom the Dissenters that are numerous, and others have a good opinion, and conclude that he is right; besides itt is suppos'd that he is under Your Maties power, and that it is his interest to be right. These have the great interest of this County.

**NORWICH CIRTY.** Is a Corporation, the Election is popular, of about 1500. They will choose Mr. Barnham one of their Aldermen, a popular man and a Dissenter, whose intrest will certainly carry itt. They will if left to themselves also choose Mr Cooke Sen<sup>r</sup>, a right man, and one in whome the City hath a great confidence, but if your Mat<sup>ie</sup> interpose for Mr Robert Paston, tis presumed they will choose him instead of Mr. Cooke.

**LYNN REGIS.** Is a Corporation. The Election is popular, of about 700. Tis necessary the Regulation be passed for influencing y<sup>e</sup> Election and strengthening the intrest of the Dissenters who are numerous in this place. They will choose S<sup>r</sup> Symon Taylor, who is right by inclination and intrest; the other is nott yett named, but soe soon as their Regulation is past, they will pitch upon one that is right, and returne his name to us.

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\* See pp. 101, 221.

**GREAT YARMOUTH.** Is a Corporation. The Election is in the body Corporate, consisting of 36. Theres great neede of a Regulation, otherwise their Peere and Harbour will be lost. They will choose Mr Paston and S<sup>r</sup> James Johnson, right men, for whome they have a great value, but if your Ma<sup>tie</sup> shall require itt, they will choose S<sup>r</sup> John Friend instead of S<sup>r</sup> James Johnson.

**THETFORD,**

Is a Corporation. The Election is in the body Corporate, consisting of 30. Theres great neede of a Regulation. The towne is under the power of the Duke of Norfolke and the Lord Chief Justice Right (*sic*).\* They will choose whom Your Majesty will name.

**CASTLE RISEING.**

Is a Borough that chooseth by prescription, there are about 20 Electors. Tis wholey under the power of the Duke of Norfolke. They will choose who Your Ma<sup>tie</sup> will name, and recommended by his Grace.

[*2d Report, in another hand.*]

**NORFOLK.**

S<sup>r</sup> Henry Hubbard will be chosen.

The proposing of another person is left to the care of Doctor Collins and S<sup>r</sup> Henry Hubbard.

**NORWICH.**

Their Charter not yet dispatched. There will be a good Election.

**LINN REGIS.**

Some there have disputed Yo<sup>r</sup> Maties late Mandate

\* Sir Robert Wright of Wangford, Lord Chief Justice of the King's Bench temp. James II. In 1685, being a Baron of the Exchequer, he was sent in Commission with Jeffreys to the West to take part in the "Bloody Assize," and was, when Lord Chief Justice, added to the Ecclesiastical Commission. When the King left the Kingdom he was committed to prison, as to which Bramston states;—" 15 Jan '89 Sir Robert Wright Lord Chief Justice of the King's Bench havinge hid himselfe, was discovered by Sir William Waller, and committed to Newgate, where he died not long after."—[Autobiography, p. 346].

in order to obstruct the Election intended of S<sup>r</sup> Simon Tayler\* and Henry Baldock.

The Mayor there is a very right man, and active for Yor Maties service.

Tis humbly proposed the Corporation may be dissolved, and a new Charter granted for securing this Election.

**GREAT YARMOUTH.** They will choose William Pastont and S<sup>r</sup> James Johnson. In order to secure their election, tis desired the Presept may be sent to S<sup>r</sup> James Johnson,† and not executed, untill the change of the Mayor.

**THETFORD.** A Regulation requisite, otherwise S<sup>r</sup> Joseph Williamson§ will be chosen. If the Regulation be past, they will choose the L<sup>d</sup> Cheif Justice Wrights son and Mr. Vincent.

[Rawl. MS. A. 139, B, Bibl. Bodl.]

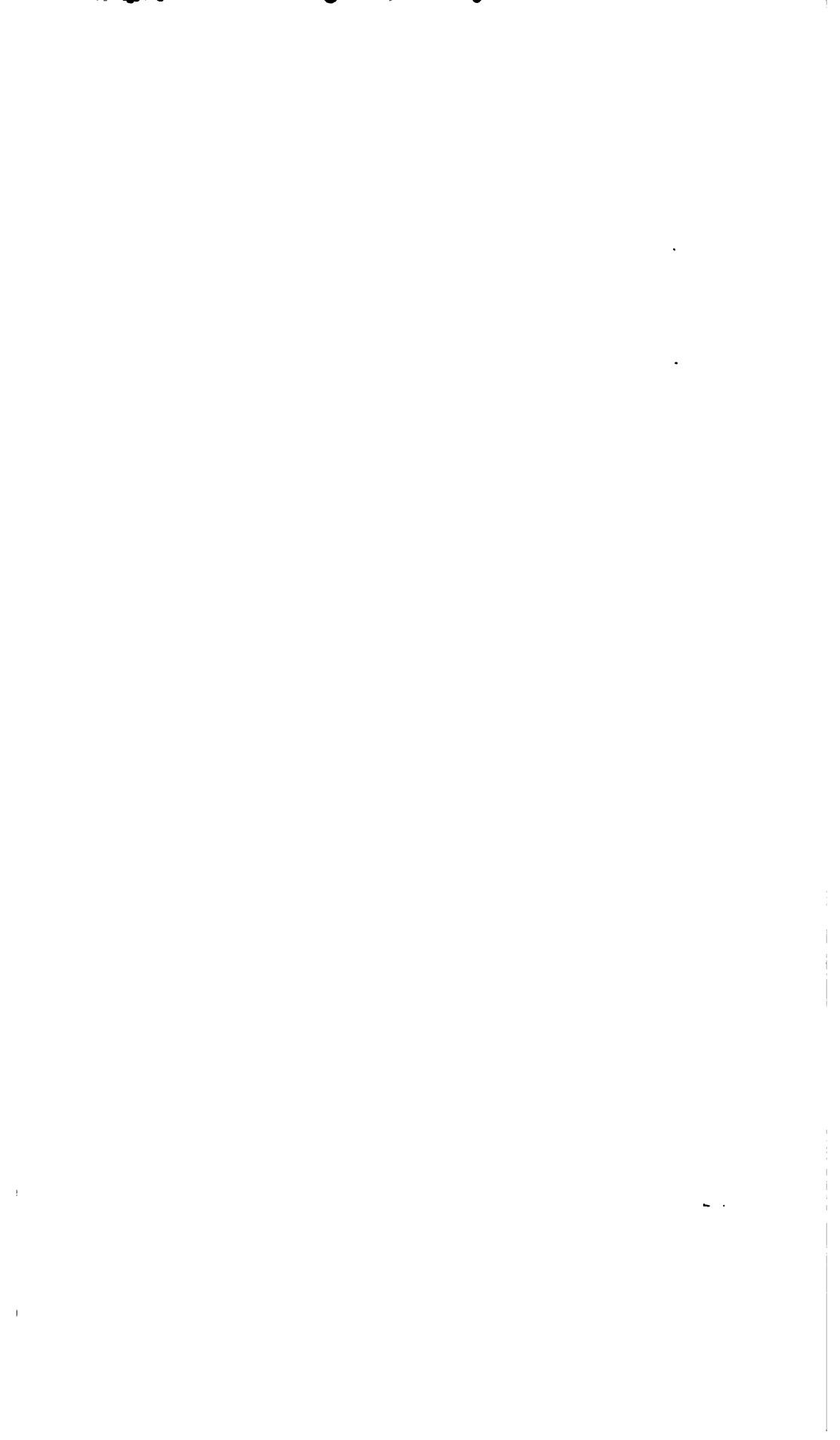
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\* Sir Simon Taylor Knt. had sat in the late Parliament of 1685 for King's Lynn.

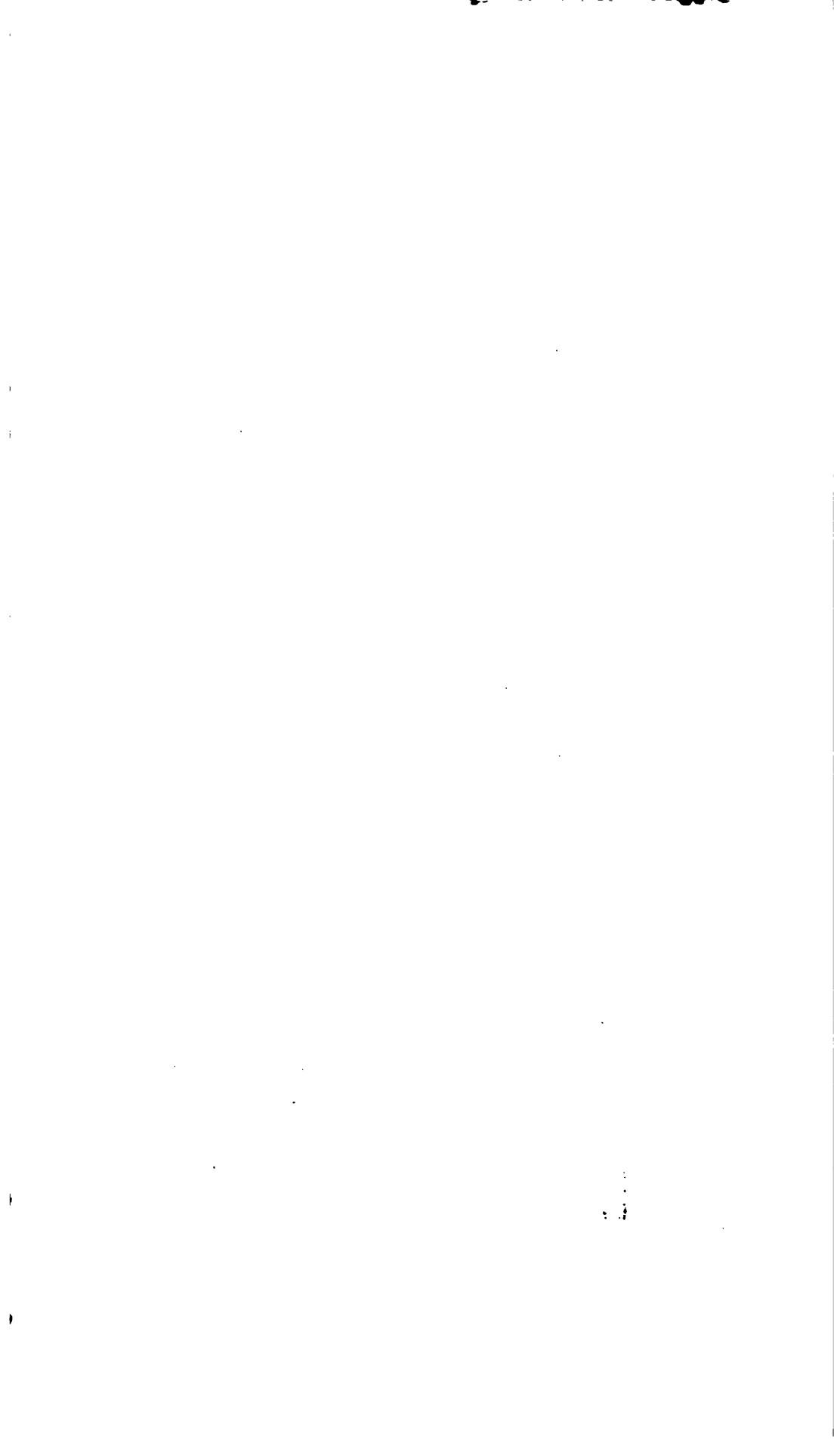
† We imagine that this is intended for William Lord Paston.

‡ Sir James Johnson was M.P. for Yarmouth in 1680-1.

§ Sir Joseph Williamson was M.P. for Thetford in the Parliament of 1685. See his Answer in the Kent Returns.



Cambridgeshire.



# Penal Laws and Test Act;

PROPOSED REPEAL OF THE SAME IN 1687-8;

*In respect of the Deputy Lieutenants and Magistrates of the County of Cambridge.*

[From the Original Documents in the Bodleian Library.]

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THE Returns from the County of Cambridge are extremely limited, the annexed entries being all that are apparently extant on the subject.

On the death of Robert, Earl of Aislesbury at the commencement of James the Second's reign, Lord Dover, a younger son Lord Jermyn, and nephew of the Earl of St. Albans, whom the King had so created, was appointed Lord Lieutenant of the county. According to Reresby he was in especial favour with the King, and his name is of frequent occurrence up to the time of the Revolution. In 1686 he had been sworn of the Privy Council, and on the removal of the Earl of Rochester as Treasurer, the office being placed in the hands of Commissioners, Lord Dover was nominated one of them.

Lord Macaulay bestows on him the appellation of "Renegade," so we may assume that the Lieutenancy of the county continued in his hands during the whole period of James's brief reign; nevertheless he joined William of Orange at Exeter.

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### Justices of the Peace for the County of Cambridge.

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The names of those that are  
Right;

S<sup>r</sup> John Cotton, Deputy Lieutent.\*  
S<sup>r</sup> Henry Pickering, Deputy Lieutent  
S<sup>r</sup> William Wrenn, Deputy Lieutent†  
S<sup>r</sup> Marmaduke Dorrell, Deputy  
Lieutent‡;  
Mr Samuel Fortrey, Deputy  
Lieutent.  
S<sup>r</sup> George Downing,  
Mr Samuell Clarke,  
Mr Richard Berry, Dr of Lawe,  
Thomas Watson, Lord Bishop of  
St. David,  
Mr Edward Stoyt, Dr in Physick,  
Mr Humphrey Gardener,  
The Vice Chancellor for the time  
being.  
Mr Charles Baron,  
Mr Thomas Arthur,  
Mr William Sayer Sen<sup>r</sup>,

The names of those allready  
put out, and to be put out;

S<sup>r</sup> Christopher Hatton now out,  
Mr William Cooke, Dr of  
Lawe, the same.  
Mr John Cotton, Deputy  
Lieutent, the same,  
Mr William Russell, the same,  
Mr Philip Cotton, the same,  
Mr Thomas Buck, the same,  
Mr Edward Nightingall, the same,  
Mr Granado Pyggott, the same,  
  
S<sup>r</sup> Levinus Bennett§, to be left out,  
S<sup>r</sup> Robert Cotton||, the same,  
Mr William Sayer Jun<sup>r</sup>, the same,  
Mr Thomas Storey. the same.

---

\* Sir John Cotton Bart. was M.P. for Cambridge in 1688, 1689-90, and again in 1695, vice John Pepys deceased. [C. O. L.] He succeeded his father as third Baronet. His grandfather Sir Robert Cotton, so celebrated as the owner of that valuable library which is called after him in the British Museum, was created a Baronet by James I. in 1611.

† Sir William Wren of Wilberton in the Isle of Ely, knighted in 1694. He appears to have sat for Cambridge at that time.

‡ Sir Marmaduke Dorrell (or Dayrell) of Castle Camps in Cambridgeshire; knighted 1 James II.

§ Sir Levinus Bennett (or Benet) of Brabraham (or Bradburnham) in Cambridgeshire, second Bart., represented the county of Cambridge in 1679-80, 1685, 1688-9, 1689-90, in which year he died.

|| Sir Robert Cotton Knt. sat for the county of Cambridge in 1679, 1680, 1685, 1688-9, 1689-90. He was apparently of Hatley St. George in Cambridgeshire, and brother of Philip Cotton, being sons by his second wife of Sir Thomas Cotton second Bart.

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Mr Mildmay Dowman,  
 Mr John Bennett,  
 Mr Myles Barnes, Dr in Divinity,  
 John Bassett Esq<sup>r</sup>, Master of Sydney College,  
 Mr John Hagar,  
 Mr Hugh Underwood, to be put in  
 Mr — Flack, to be put in  
 Mr John Folkes, to be put in  
 Mr — Pickering, to be put in

(Endorsed),

Justices of the Peace of the County of Cambridge  
 1st March 1687-8.

[Rawl. MS. A 139 B.]

### Cambridgeshire.

| Justices to be put out.                               | Justices to be put in.                     |
|-------------------------------------------------------|--------------------------------------------|
| S <sup>r</sup> Christopher Hatton Bart*, <sup>*</sup> | Mr. Saw <sup>ll</sup> , Archdeacon of Ely, |
| Mr. Cooke, Doctor of Law,                             | Mr. Mingay,                                |
| Mr. John Cotton Esq <sup>r</sup> ,                    | S <sup>r</sup> Marmaduke Dorrell Knt,      |
| Mr. Phillip Cotton Esq <sup>r</sup> ,†                | S <sup>r</sup> George Downing Knight,‡     |
| Mr. Thomas Buck,§                                     | Mr. Samuel Clarke Esq <sup>r</sup> ,       |

\* Sir Christopher Hatton was the fifth Baronet, and son of Thomas Hatton of Long Stanton in Cambridgeshire, and cousin of the well-known first Viscount Hatton.

† Philip Cotton of Conington, half-brother to Sir John Cotton Bart, would seem to be magistrate here named, son of Sir Thomas Cotton second Bart, and grandson of Sir Robert Cotton, so celebrated as the owner of the "Cottonian Library" now in the British Museum.

§ Thomas Buck of Westwick, in Cambridgeshire.

‡ Sir George Downing of Gamlingay, in Cambridgeshire, had been knighted at the Hague in 1660 (Le Neve), and was afterwards made a Baronet, and ob. 16—; so that the justice here named must be Sir George Downing, second Bart of East Hatley, father of the founder of "Downing College" at Cambridge."

Mr. Edward Nightingoul (*sic*)\*

Mr. Richard Berry, Doctor of Law.

Mr. Granado Pygott,†

Mr. William Russell.

(Endorsed),

Justices of the peace of  
Cambridge and Ely as sent by  
My Lord Dover,  
Decr 1687.

[Rawl. MS. 139 A, f. 12.]

### Report of King's Agents.

Extract from Report of the King's Agents sent into the country to influence the electors for the counties of Cambridge, (Norfolk, Suffolk, and Essex), pursuant to Instructions &c., &c., dated 19th April, 1688.

#### CAMBRIDGE COUNTY.

There will be propos'd Mr. — Partridge, in whom the Dissenters and many others are intirely satisfied that he is right, and Mr. — Clarke, the present Sheriff of Suffolke, or Mr. John Bennett a Dissenter, two of these three will be elected, they are not willing to elect any other, nor are there any that can make interest to oppose them.

#### CAMBRIDGE UNIVERSITIE.

We cannott undertake for them.

#### CAMBRIDGE TOWNE.

Is a Corporation, the Election is Popular. There are about 400 Electors. Theres a

\* Edward Nightingale appears to have been the son of Geoffrey of Kneeworth in Cambridgeshire, and grandson of Sir Thomas Nightingale Bart, High Sheriff of Norfolk in 16—. The name occurs also as Nitingle.

† Granado Pigott afterwards represented the Borough of Cambridge in 1689-90.

necessity of a Regulation of the present Magistracy, for they are wholey under the Influence of the University, and such as cannott influence the Electors, nor are the University wanting to improve their intrest. The Towne proposeth to choose John Willis, and Hugh Underwood, which they conclude to be right; the Dissenters before their Election will further discourse them.

Report from King's Agents, endorsed Sept. 1688.

[*In another hand.*]

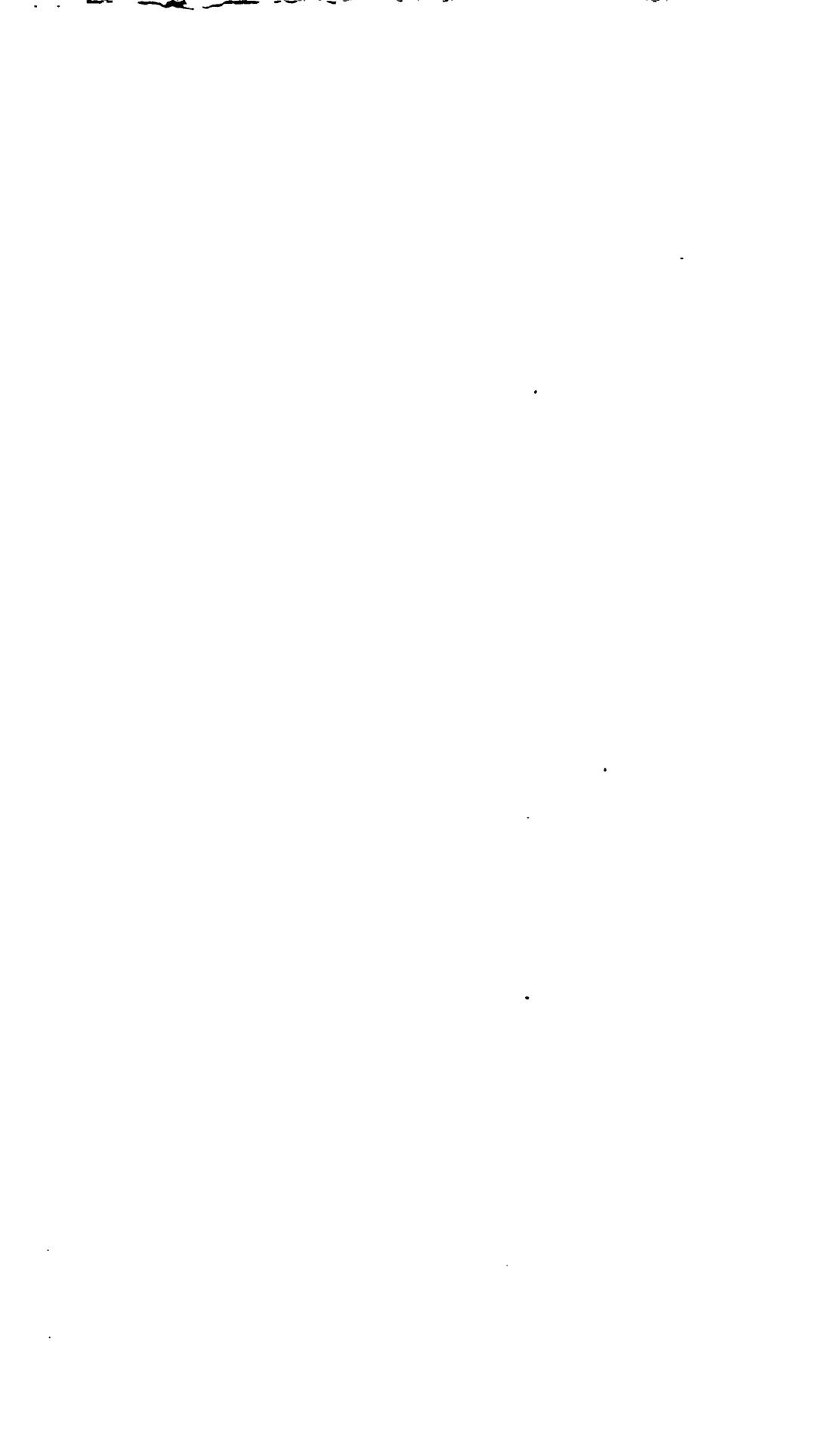
- |                        |                                                                                                                      |
|------------------------|----------------------------------------------------------------------------------------------------------------------|
| AMEBRIDGE COUNTY.      | The Lord Dover was desired to pitch upon Two, of w <sup>ch</sup> we have yet no accompt.                             |
| AMEBRIDGE UNIVERSITIE. | Wee can say nothing to it.                                                                                           |
| AMEBRIDGE.             | They propose S <sup>r</sup> Marmaduke Dorrell, and Mr. Underwood. They have likewise in their Eye Mr. Jervas Disney. |

It would appear from the following Mem. for different coun-  
es [Rawl. MS. A 139 B f. 268] that Lord Dover also acted  
in Suffolk :—

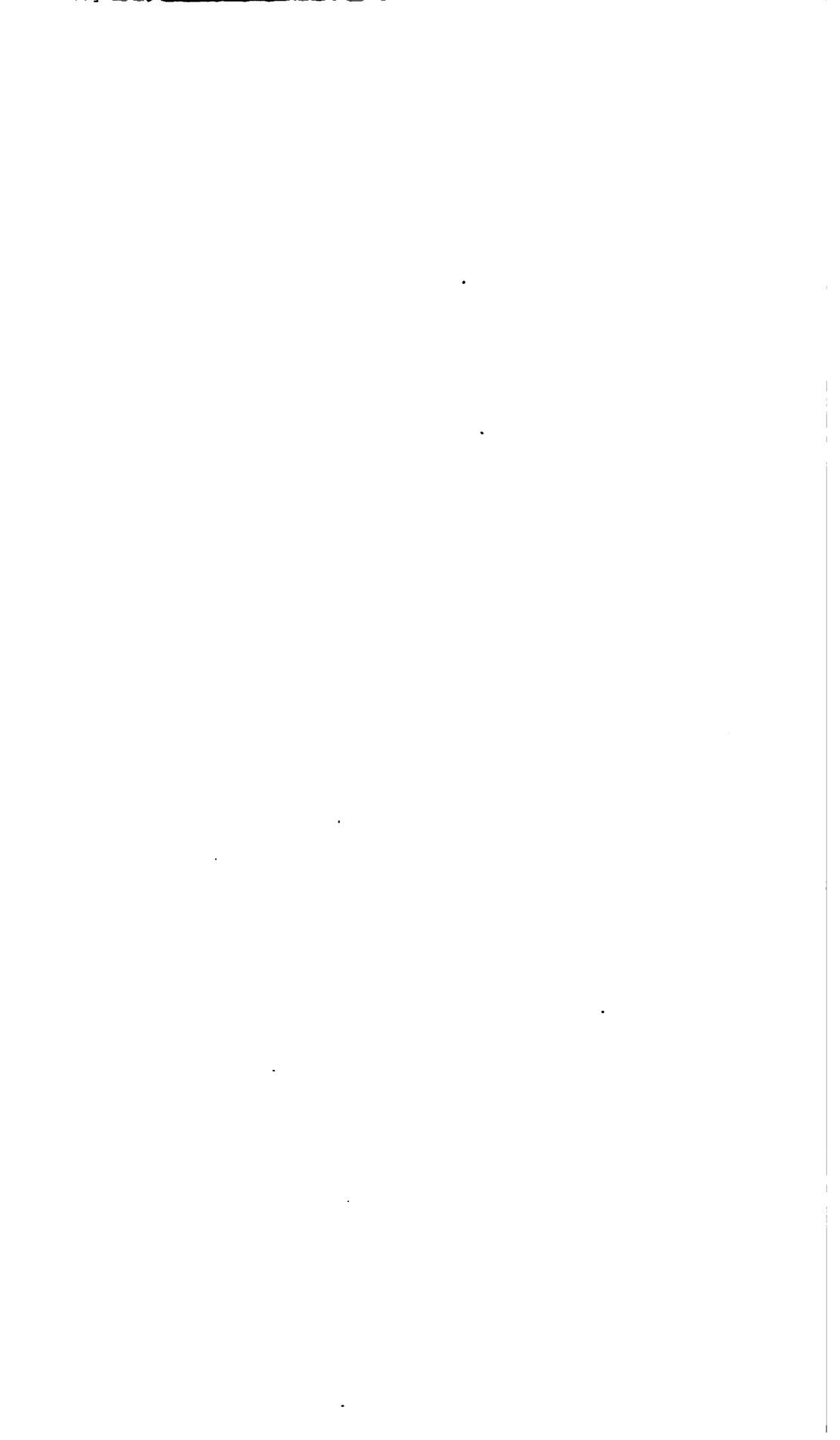
- My Lord of Dovers desires about the Justices in the Isle of Ely.  
 Lemd<sup>m</sup> He desires that Mr. Read, Mr. Oxburgh, Mr. Buckworth and Mr. Balam may be left out of the Comission of the Peace.  
 That Mr. Thomas Steward and Mr. Will<sup>m</sup> March may be made of the Quorum.  
 Alsoe he desires that Comission of the Peace and Comission of Goal Delivery may be made for the Towne of Cambridge according to the Paper hereunto annexed. (sic)\*  
 Alsoe he desires That Joseph Gullifer Esqr may be put into the Comission of the Peace for the County of Suffolke.

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Erased in the Original.



Oxfordshire.



# Penal Laws and Test Act;

PROPOSED REPEAL OF THE SAME IN 1687-8;

*In respect of the Deputy Lieutenants and Justices of the Peace in Oxfordshire.*

[From the Original Documents in the Bodleian.]

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JAMES, Earl of Abingdon, had been removed from his office as Lord Lieutenant of Oxfordshire for refusing to consent to the abrogation of the Test and Penal Laws, and Edward, Earl of Litchfield was appointed in his room. Whether the Lieutenancy of the county underwent any further change when, on the threatened invasion of the country, the King and his advisers reinstated in their offices the several Protestant functionaries displaced for the same cause, we have not satisfactorily ascertained. He was one of those who early declared for William of Orange, but opposed his accession to the Throne when it was declared vacant.

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## Returns from the County of Oxford.

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Persons proposed to be Deputy Lieutenants.

S<sup>r</sup> Timothy Terryll,  
S<sup>r</sup> George Pudsey,  
S<sup>r</sup> Edmund Warcupp,  
Thomas Wise Esqr.

## New ones.

Lord Falkland,  
 Sr Littleton Osbaldeston,  
 Sr Harry Brown,  
 Ralph Sheldon Esqr,  
 Thomas Hoarde [*Hord*] Esqr,  
 John Greenwood Esqr.

## Justices of the peace.

Goodyer Esqr,  
 Pudsey Esqr,  
 John Massey,  
 Obadiah Walker,  
 Hildesley,  
 Sr John Curson,\*  
 Henry Farmer Esqr,  
 Walter Mildmay Esqr,  
 Richard Kilby Esqr.

## New ones.

John Trinder of Westwell Esqr,  
 Ambrose Holbech of Mollington Esqr,  
 William Barber Esqr,  
 Edmund Powell Esqr,  
 John Wickham Esqr,  
 William Wright sen<sup>r</sup> of Oxford, Esqr,  
 William Wright jun<sup>r</sup> of the same, Esqr,  
 Charles Trinder Esqr,  
 Robert Shepherd Esqr,  
 Sr Thomas Row,  
 Sr Thomas Fettiplace Bar<sup>t</sup>,  
 Lacy Osbaldeston Esqr,  
 John Crispe Esqr,  
 Carleton Stone Esqr,  
 Richard Blackhall Esqr,  
 Sr William Glyn Bar<sup>t</sup>,  
 Edward Barry Esqr,  
 John Weeden Esqr,

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\* Sir John Curson (or Curzon) of Waterperry in the county of Oxford, succeeded as second Bart. in 1681-2.

Charles Busby Esqr,  
Ploydern of Shiplake Esqr,  
William Blake of Coggs Esqr.

[Rawl. MS. A 139 B. Bibl. Bodl.]

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### Answers.

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#### The Answers of the Justices of the Peace of the County of Oxford.

##### DR. ALLWORTH.\*

To the First, That he cannot in his conscience declare himself for y<sup>e</sup> taking away of all Penall Laws and Tests, yett shall submitt to such laws, and repeals of such laws, as the King with his Parliam<sup>t</sup> shall think fitt.

2<sup>d</sup>. That he will contribute his utmost interest, for the election of such members as may make the Governm<sup>t</sup> both easy and safe to his Majesty and his subjects.

3<sup>d</sup>. That he desires to live friendly and peaceably with all persons of all perswasions, that are his fellow subjects.

##### MR. GOODYER.

To the First, That he will be willing to take off the Test, and so many of y<sup>e</sup> penall laws as can any way consist with y<sup>e</sup> preservac'on of y<sup>e</sup> Church of England as now by law established.

2<sup>d</sup>. That he will assist those in their Elections that he conceiveth will be for consenting to doe as is above mentioned.

3<sup>d</sup>. That he is willing to live friendly and quietly w<sup>th</sup> those of all per-swassions, as subjects of y<sup>e</sup> same Prince, and good Christians ought to doe.

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\* Probably Dr. Charles Aldworth, Fellow of Magdalen College, Oxford, Doctor of Law, (July 12, 1686) who was expelled, and deprived of his Fellowship, when the College was cited before the Ecclesiastical Commission, for refusing to elect as its President the King's nominee.

## MR. GUNNE.

To the First, That he is doubtfull in his conscience whether he can consent to y<sup>e</sup> taking off the penal Laws and Tests.

2<sup>d</sup>. That he will be for the election of such persons as shall make y<sup>e</sup> Governm<sup>t</sup> easy between His Maj<sup>y</sup> and his loyall subjects.

3<sup>d</sup>. That he is very willing to yield to.

## DR. BESTON.

To the First, That he is a Divine, and uncapable of being a Member of Parliament.

2<sup>d</sup>. That he has no vote to choose a Parliam<sup>t</sup> man in the county, if he comes to have, he will endeavour to choose such persons as shall be perfectly loyall to y<sup>e</sup> best of his knowledge.

3<sup>d</sup>. That that is in his power, and accordingly he will live peaceably w<sup>th</sup> all his Ma<sup>ties</sup> subjects, according to the duty he owes his Prince, and y<sup>e</sup> indespensable obligac<sup>n</sup> to reverence his person, obey his Laws, and support his Government.

S<sup>r</sup> ROWLAND LACY.\*

That as to y<sup>e</sup> two first Questions, he cannot consent to them, but the last he is very ready to comply with.

## MR. PUDSEY.†

To the first, That he will be willing to take of the Test, and so many of the Penal Laws as can consist with the preservac<sup>n</sup> of the Religion as now by law established.

2<sup>d</sup>. That he will assist those that shall be for consenting to what is above mentioned.

3<sup>d</sup>. That to this he consents wholly.

\* Sir Rowland Lacy Kn<sup>t</sup> of Pudlicott in Oxon, married daughter of Sir John Fettiplace Bart.

† The name of Pudsey occurs at this time in the person of Dr. Pudsey, a Fellow of Magdalen College, Oxford, who was expelled and deprived of his Fellowship for resisting the King's *mandamus* to admit a President of his own nomination. [Cf Bramston Memoirs 284, seq.] Another of the name was Sir George Pudsey, Serjeant-at-Law, and Recorder of the City of Oxford, and M.P. for that place in 1685.

## MR. POWELL.

To the first, That if he should be chosen a Parliament man, he will with all fidelity endeavour to serve his Majesty, and support his Crown, and Government in peace. But as for the penall Laws and Tests he cannot make any Declarac'on till he hears the debates of Parliam't.

2<sup>d</sup>. That as to the Election of Members, he will contribute to the choice of such as he shall judge to be well affected to his Majesty's Government, and the peace of his kingdome.

3<sup>d</sup>. That he will at all times carefully endeavour to live and converse friendly and amicably with all his fellow subjects, of what different persuasions, as a good Christian ought to doe.

S<sup>r</sup> LITTLETON OSBALDESTON.\*

To the first, That he is [a] weak infirme person, and not like for ought he knows to be a Member of Parliament. But if he should be soe, he should give his consent for taking off such penall laws and Tests, as doe hinder any sort of Dissenters from the Church of England from exercising their Religion, that they may not be troubled or molested therefore, either in their persons or estates.

2<sup>d</sup>. That he will contribute his assistance for the election of such persons to serve in Parliament, as shall be most pleasing to his Majesty.

3<sup>d</sup>. That he shall comply with the Kings Declaration for liberty of conscience; that he hath lived friendly and amicably all his life time, with all sorts of Dissenters from the Church of England, and is resolved to continue so to doe, as a good Christian, and a subject of the same Prince.

## DR. LAMPHIRE.

Not fitt to answer at this time, being not well in his sences.

## DR. MASTER.

To the first, That in case he be chosen a Parliam't man, he should make it his business to serve the King and Kingdome the best he can, but can make no declarac'on about y<sup>e</sup> repeal of y<sup>e</sup> penall laws and Tests, till he shall heare y<sup>e</sup> debates in y<sup>e</sup> house upon that subject.

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\* Sir Littleton Osbaldeston of Chadlington, created a Baronet by Charles II., 1664, sat for Woodstock in 1678, 1679, and 1685.

2<sup>d</sup>. He shall endeavour to choose such persons of quality and ability, as shall best serve the King and countrey.

3<sup>d</sup>. He thinks it his duty to live peaceably w<sup>th</sup> all persons whatsoever.

S<sup>r</sup> THOMAS CLAYTON.\*

To the first, That he shall think fitt that y<sup>e</sup> penall laws against Dissenters in matters of Religion be repealed, but not the Tests, till he shall be convinced that he ought to do soe.

2<sup>d</sup>. That he is not able to assist at any Elections of persons of what judgm<sup>t</sup> or perswasion soever, by reason of his very great age, and y<sup>e</sup> many infirmityes thereby.

3<sup>d</sup>. That he will live friendly w<sup>th</sup> those of all perswasions as subjects of y<sup>e</sup> same Prince, and as good subjects ought to doe.

MR. LYBB.

To the first, That he has no ambition to be chosen [a] Parliam<sup>t</sup> man.

2<sup>d</sup>. That he shall endeavour to choose honest, wise, and Loyall men to sitt in Parliament.

3<sup>d</sup>. That he always lived friendly with his neigbo<sup>r</sup>s of all perswasions, as he thinks they will testify, and shall still endeav<sup>r</sup> so to doe.

MR. GEORGE CHAMBERLAIN.

To the first, That he does not intend to be a Member of Parliam<sup>t</sup>, w<sup>a</sup> his Maj<sup>y</sup> shall think fitt to call one.

2<sup>d</sup>. That the Elections of Members of Parliam<sup>t</sup> are to be free, and therefore he shall not make any preingagem<sup>t</sup>.

3<sup>d</sup>. That he does totally and willingly submit thereunto, and as a Christian does promise to performe the same to the utmost of his power.

MR. JAMES PERROTT.†

To y<sup>e</sup> 1<sup>st</sup> and 2<sup>d</sup>, That as for y<sup>e</sup> Penall Laws and Tests, so far as they are a defence and security to y<sup>e</sup> Protestant Religion of y<sup>e</sup> Church of England as by law established, he cannot in his conscience consent, assist or contribute to the takeing them off.

\* Sir Thomas Clayton Kt, was Warden of Merton College, Oxford, and married a daughter of Sir Clement Dormer. [Le Neve.]

† Probably nearly related to Dr. Charles Perrott, Fellow of St. John's College, Oxford, who sat for the University in the Parliaments of 1679, 1680, and 1685.

3<sup>d</sup>. That 'tis his desire and ever was to live friendly w<sup>th</sup> all persons, and so shall continue to doe by the grace of God.

MR. ROBERT PERROT.

To the first, That he is not of a capacity to serve as a Member of Parliam<sup>t</sup>, and is resolved never to stand to be elected one.

2<sup>d</sup>. The he shall be ready to assist in y<sup>e</sup> election of such as shall be for taking off y<sup>e</sup> severe penaltyes of the statutes for [*non*] conformity to the Establish'd Religion, but is doubtfull w<sup>t</sup> further answer to make to this Question.

3<sup>d</sup>. That it is his desire to live friendly with those of all perswasions, as subjects of the same Prince, and good Christians ought to doe.

|                 |                                  |                                                     |
|-----------------|----------------------------------|-----------------------------------------------------|
| + Dr Massey,    | + + S <sup>r</sup> John Curson,* | { all<br>Consent<br>to y <sup>e</sup><br>Questions. |
| + Mr Walker,    | + + Mr Farmer,†                  |                                                     |
| + Mr Hildesley, | + + S <sup>r</sup> Harry Browne, |                                                     |
| + Mr Sheldon,   | & Mr Mildmay.                    |                                                     |

(Endorsed),

Answers of y<sup>e</sup>  
Justices. Feb 1687.

A List of the Gentlemen of the County of Oxford out of the Commission of the Peace.

BAMPTON HUNDRED.

Thomas Hord of Cote Esq<sup>r</sup>,‡  
Anthony Hungerford of Blackborton Esq<sup>r</sup>,  
William Stonhouse of Cockthorpe Esq<sup>r</sup>,

\* Sir John Curson (or Curzon) of Waterperry in the county of Oxford, succeeded as second Bart. in 1681-2.

† It seems very probable that this name is identified with the family of the notorious Mr. (or Dr.) Farmer, recommended as President of Magdalen College, Oxford, but rejected as unfit.

‡ Thomas Hord was M.P. for the county of Oxford in 1679 and 1680.

- + John Greenwood of Brisenorton Esq<sup>r</sup>,
  - + John Trinder of Westwell Esq<sup>r</sup>,
  - Stephen Gasgoigne of Taynton Esq<sup>r</sup>,
  - John White of Hayly [Hailey] Esq<sup>r</sup>.
- 

#### BANBURY AND BLOXHAM HUNDREDS.

- + Ambrose Holbech of Mollington Esq<sup>r</sup>,
  - S<sup>r</sup> Thomas Cobb of Adderbury Baronett,\*
  - William Barber of Adderbury Esq<sup>r</sup>,
  - Mr Bray D'Oyly of Adderbury, a Quaker,
  - William Gannock of Wardington Esq<sup>r</sup>.
- 

#### BULLINGDON HUNDRED.

- John Nourse of Woodeaton Esq<sup>r</sup>,
  - + Edmund Powell of Sandford, Esq<sup>r</sup>
  - Wright Crooke of Marston Esqr,
  - Thomas Joyner of Hospath [Horsepath] Esq<sup>r</sup>,
  - William Biggs of Cuddesden [Cuddesdon] Esq<sup>r</sup>,
  - + John Wickham of Gazeington [Garsington] Esq<sup>r</sup>,
  - Richard Clarke of Effly [Iffley] Esq<sup>r</sup>,
  - John Pallard of Baldwin [Baldon] Esq<sup>r</sup>,
  - John Crooke of Studly Esq<sup>r</sup>,
  - + William Wright Esq<sup>r</sup>, alderman of Oxford,†
  - S<sup>r</sup> Sebastian Smith of Oxford, Knight,‡
  - Gilbert Jackson of Forresthill [Forest Hill] Esq<sup>r</sup>.
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#### CHADLINGTON HUNDRED.

Richard Evans of Enstone Esq<sup>r</sup>,

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\* Sir Thomas Cobb of Adderbury, was created a Baronet in 1662 by Charles II., and died in 1699.

† William Wright was returned for the city of Oxford in 1678, 1679-80.

‡ Sir Sebastian Smith was of Cuddesdon near Oxford, knighted by James II. in 1685.

- + Robert Shepherd of Great Roleright [*Rollright*] Esq<sup>r</sup>,
  - Henry Jones of Chastleton Esq<sup>r</sup>,
  - Greenwood of Chastleton Esq<sup>r</sup>,
  - | S<sup>r</sup> John Cope of Bruerne Baronett,
  - + S<sup>r</sup> Thomas Row of Swarfard [*Swerford*] Knight,
  - S<sup>r</sup> Edmund Fettiplace of Swinbrooke Baronett,\*
  - + Lacy Osbaldeston of Chadlington Esq<sup>r</sup>,†
  - + John Crisp of Chippingnorton gent,
  - Henry Healeing of Minsterlovewell [*Minster Lovell*] Esq<sup>r</sup>.
- 

#### DORCHESTER HUNDRED.

- John Reston of Culham, gen<sup>t</sup>,
  - John Wise of Benson Esq<sup>r</sup>,
  - + George Tipping of Draycott Esq<sup>r</sup>,
  - William Tayler of Williamscott [*Williamscot*] gent.
- 

#### EWELME HUNDRED.

- William Lenthall of Hazeley [*Haseley*] Esq<sup>r</sup>,
  - + Carleton Stone of Brightwell Esq<sup>r</sup>,
  - Adam Springhall of Henly gen<sup>t</sup>,
  - John Barrett of Berrick [*Berwick Prior*] Esq<sup>r</sup>,
  - + Richard Blackhall of Ipsden Esq<sup>r</sup>,
  - + William Tipping of Ewelme Esq<sup>r</sup>,
  - John Wallis of Nettlebed Esq<sup>r</sup>,
  - William Freeman of Fawly [*Fawley Court*] Esq<sup>r</sup>,
  - Henry Hall of Harding.
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#### LANGTREE HUNDRED.

- John Saunders of Mungwell [*Mongewell*] Esq<sup>r</sup>.
- 

\* Sir Edmund Fettiplace, second Bart. of Swinbrook in Oxon, ob. circa 1707.

† Lacy Osbaldeston, son of Sir Littleton Osbaldeston of Chadlington, succeeded as second Baronet.

POUGHLEY [*Ploughley*] HUNDRED.

- + Sir William Glynn of Amersden [*Ambrosden*] Baronett,  
John Coghill of Blechington [*Bletchingdon*] Esqr,
  - + Edward Barry of Hampton Gay Esqr,  
John West of Hampton Powell [*Hampton Poyle*] Esqr,
  - + Ralph Holt of Stoke Esqr,  
John Coker of Bister [*Bicester*] Esqr,
  - + John Weedon of Schulderne [*Souldern*] Esqr,
  - + Charles Busby of Godenton [*Goddington*] Esqr,
- 

TAME [*Thame*] HUNDRED.

- John Dormer of Ascott Esqr,
  - John Hawkins of Milton Esqr,
  - Francis Clarke of Weston Esqr,
  - + —— Ploydyn of Shiplake Esqr,  
Robert Jennings of Shiplake gent.
- 

## WOOTTON HUNDRED.

- + The Lord Falkland of Great Tew,\*
  - + William Blake of Cogges [*Coggs*] Esqr,  
Sir Phillip Harcourt of Stanton Harcourt, Knight,†  
John Morton of Tackly Esqr,  
Thomas Crisp of Dornford Esqr,  
—— Bredeask of Ledwell Esqr,  
Anthony Evans of Begbrooke Esqr,  
William Parson of Netherworton Esqr,  
Sir John Read of Dunstew Baronett.
- 

\* Anthony, fifth Viscount Falkland, succeeded his father in 1663. He represented the county of Oxford in 1685. His grandfather was Secretary of State to Charles I., and although not a military officer determined to take part in the Battle of Newbury in 1643, where he was killed.

† Sir Philip Harcourt Kn<sup>t</sup>, represented the county of Oxford in 1680.

### Answers.

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The Answers of the Deputy Lieutenants of the County of Oxford to the severall Questions proposed to them.

THE LORD WENMAN.\*

That as to the two first Questions, he cannot consent to the Kings desier (*sic*), but as to the last is very ready to comply therewith.

S<sup>r</sup> WILL<sup>M</sup> WALTER.†

To the first, That if he should be chosen [a] Parliam<sup>t</sup> man, he cannot promise before hand, for taking away the Test and penall Laws, till he hears the Debates of the House.

2<sup>d</sup>. He cannott promise to choose such a Parliam<sup>t</sup> man, that will positively do that, w<sup>ch</sup> as yett he cannott resolve to doe himself.

3<sup>d</sup>. That he always lived friendly with all good men, and those that he has formerly acted against as enemies and disturbers of the Governm<sup>t</sup>, (commonly known by y<sup>e</sup> names of Dissenters and Whiggs), he does promise that for y<sup>e</sup> future he will live peaceably and quietly w<sup>th</sup> them during y<sup>e</sup> King his masters pleasure.

S<sup>r</sup> ROB<sup>T</sup> JENKINSON.‡

That as to y<sup>e</sup> two first questions, he cannot say that if it should be his chance to be a Parliam<sup>t</sup> man, that he could give his consent to the taking of either y<sup>e</sup> penall laws or Tests.—And as to the last, he is willing to live peaceably with all his fellow-subjects according to y<sup>e</sup> laws of y<sup>e</sup> land.

\* Richard, fourth Viscount Wenman of Carswell and Thame, in Oxon. The first peer was created Baron Wenman of Kilmainham, and Viscount Wenman of Tuam in the Peerage of Ireland.

† Sir William Walter of Sarsden in Oxfordshire, succeeded his father as second Bart in 1674. His first wife was daughter of Robert, Earl of Ailesbury; the second Lady Mary Tufton, daughter of John, Earl of Thanet. He died in 1693.

‡ Sir Robert Jenkinson of Walcot in Oxon, second Bart, was ancestor of the present Sir George Jenkinson. He sat for the county of Oxford in 1688-9, 1689-90.

S<sup>r</sup> EDWARD READ.

That as to the two first, he is against consenting to them, and as to the last, he is willing to live friendly and well with all his fellow-subjects.

S<sup>r</sup> TIMOTHY TERRILL.\*

To the first, That if he should be a Parliam<sup>t</sup> man, he would be for taking off y<sup>e</sup> penall Laws and Tests.

2<sup>d</sup>. That he has no vote of his own, but if there be occasion, he will use his endeav<sup>r</sup> to choose such men.

3<sup>d</sup>. He readily consents to,

S<sup>r</sup> JOHN DOILEY.†

To the first, That he has no thought of standing, but if chosen, that he cann't detirmine what way he shall give his vote-until he hath heard it fairly debated on both sides. That then he shall use his utmost endeavor to promote that he shall think most for y<sup>e</sup> peace and happiness of the King and Kingdom.

2<sup>d</sup>. That he shall endeavor to give his vote for such as shall act accordingly as aforementioned.

3<sup>d</sup>. He thinks it his duty, and shall always endeavor to live friendly and peaceably with all men of all perswasions.

JOHN STONE Esq<sup>r</sup>.

To the First, That he has no designe of standing himself, but in case he should be chosen he shall endeavor as to the penall laws and Test, as well as all other things, to create a mutuall confidence betwixt his Maj<sup>b</sup> and his subjects.

2<sup>d</sup>. That he will give his vote as far as he can undertake for those that shall doe the like.

3<sup>d</sup>. As to y<sup>e</sup> question concerning a Tolerac'on, he was ever a friend to it and peace, therefore he shall always live peaceably with any that dissent from his own way of worship.

\* Sir Timothy Terrill (or Tyrrell) of Shotover in the county of Oxford, and Oakley in Bucks, was son of Sir Timothy Tyrrell, Master of the Buckhounds temp. Charles I., and cousin by the half-blood of Sir Richard Tyrrell, second Bart. His son James is well known as the author of a History of England.

† Sir John D'Oyley of Chiselhampton in Oxon, was created a Baronet in 1666; represented Woodstock in the Parliament which restored the King, and ob. 1709.

HUMPHREY WICKHAM Esq<sup>r</sup>.

To the first, That he is against taking away the Test and the penal Laws.

2<sup>d</sup>. That he cannot consent to the second neither.

3<sup>d</sup>. But as to the last question, he consents unto it wholly.

JAMES HERBERT Esq<sup>r</sup>.

To the first, That as to y<sup>e</sup> first question, (tho' he should be ready to serve the King in anything else), he cannot consent.

2<sup>d</sup>. As to y<sup>e</sup> second he says he shall be for the electing of such as are of y<sup>e</sup> same opinion.

3<sup>d</sup>. And as to the third he thinks all good subjects ought to agree to it.

S<sup>r</sup> ROBERT DASHWOOD.\*

That as to the two first questions he cannot consent to the Kings desier, but the last he is very willing to comply with.

- + S<sup>r</sup> George Pudsey,†
- + S<sup>r</sup> Edmond Warcupps,
- + Tho: Wise Esq<sup>r</sup>,

} Consents to all the three Questions.

- S<sup>r</sup> Edward Norris,
- Cap<sup>t</sup> Henry Bertie,
- S<sup>r</sup> Fairmedow Penyston.

} Not in the Country, when summon'd.

S<sup>r</sup> Thomas Tipping‡ not being able to come from home by reason of his age and infirmity, [sends] this answer by lett<sup>r</sup> to the Questions:—

That as to the taking away the Test he could say little till he was better inform'd. And as to His Majestyes Tolerac'on he has no dislike to it, for he says he has always lived peaceably with his neighbours, and hopes so to continue to the end of his Days.

- + L<sup>d</sup> Falkland. [*In another hand.*]

\* Sir Robert Dashwood Kn<sup>t</sup> and Bar<sup>t</sup>, represented Banbury in 1688-9 and 1689-90.

† Sir George Pudsey Kn<sup>t</sup>, Serjeant-at-Law, and Recorder of the City of Oxford, was M.P. for that city in 1685.

‡ Sir Thomas Tipping was of Wheatfield in Oxon. Of the same family was apparently Thomas Tipping, M.P. for the county of Oxford in 1685, afterwards in 1697 created a Baronet by William III. Another, or the same, Thomas was excepted out of the General Pardon in 1688 as concerned in Monmouth's Rebellion.

**ANSWER OF S<sup>R</sup> EDWARD NORREYS DEPUTY LIBUTENANT OF OXFORDSHIRE.\***

To the 1<sup>st</sup>.

If I am chosen a Member to serve for any place in the Parlement his Maj<sup>ts</sup> shall think fitt to call, I cannot say what I shall vote for there; But according to my present sentiment shall not be for the taking off the Penall Lawes and Tests.

To the 2<sup>d</sup>.

I beleeve I shall not be for giving my vote for any other person that shall be for the taking off the Penall Lawes and Tests.

To the 3<sup>d</sup>.

I have always lived peaceably with my neighbours and all persons whatsoever, and by Gods assistance will allwayes so doe as becomes a good Christian.

**CAPTAIN HENRY BERTIE, DEPUTY LIEUTENANT OF OXFORDSHIRE.<sup>†</sup>**  
Sayes,

That he being now neither Deputy Lieutenant nor Justice of the Peace for Oxfordshire, conceives himself excused from answering the Questions.

**RICHARD KILBYE Esq<sup>r</sup>, JUSTICE OF THE PEACE FOR OXFORDSHIRE.**  
ffreely consents to the Questions.

**THE ANSWER OF S<sup>R</sup> FAIRE MEDOW PENYSTON, DEPUTY LIEUTENANT OF OXFORDSHIRE.<sup>‡</sup>**

1<sup>st</sup>. I ever was and still am of opinion that no humane Lawes whatsoever either ought or can exercise an absolute dominion over the Judgements and Consciences of Men, and therefore ought not to inflict any manner of punishment for that, over which they neither have nor can have any Jurisdiction, wherefore I shall willingly assent to the taking of all such penall Lawes, which debarre people from the free

\* Sir Edward Norreys Kn<sup>t</sup> sat for the city of Oxford in 1688-9.

† It seems probable that this is Captain Henry Bertie, brother of Lord Norreys, created Earl of Abingdon in 1682, Lord Lieutenant of the county, and that he sat for the city of Oxford in 1685 and 1688-90. [C. O. L.]

‡ Sir Fairmedow Penyston (or Peneystone) of Cornwell in Oxfordshire, succeeded his brother as fourth Baronet in 1674.

exercise of theire Consciences in the Religious worship of Almighty God. But the Tests which I humbly conceive is at present the greatest security the Church of England by Law hath, of which I professe my self an unworthy Member, I cannot consent to repeale without an equivalent security for them established in a Parlement.

2<sup>d</sup>. I will assist and contribute to the Election of such Members as are of known integrity and undoubted Loyalty, and that submitt to the Dictates of sound reason and sincere conscience.

3<sup>d</sup>. I doe promise to live friendly with those of all perswasions, as subjects of the same Prince, and good Christians ought to doe.

[Rawl. MS. 139 A, ff. 51—58.]



<sup>o</sup>Kent.



# Penal Laws and Test Act;

PROPOSED REPEAL OF THE SAME IN 1687-8;

*In respect of the Deputy Lieutenants and Magistrates of Kent.*

[From the Original State Papers in the Bodleian.]

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The Lieutenancy of this county underwent several changes during the brief reign of James II. In the first year of that King, it had been entrusted to Heneage, Earl of Winchelsea, whom Christopher, Lord Teynham succeeded ; who again was superseded by the Earl of Feversham. He appears to have been appointed contemporaneously with the Duke of Newcastle, or shortly after this Lieutenant was sent to the three Ridings of Yorkshire, and from what we have been able to glean as to his religious tendencies,\* there is every reason to suppose that his appointment was consequent on the same degrading and humiliating course to which James had been brought to condescend, on the

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\* The facts in support of his Protestant principles are very much due to the annexed entries :—Bramston observes [Memoirs, p. 339], “The King caused the Earl of Winchelsea to be sent for, who came immediately, and many gentlemen so soon as it was known his Majesty was there. News coming to town, the Lords which were in town consulting what was to be done, they gave leave to such of his *Protestant* servants as would goe to him, and sent the Earl of Feversham with three troops of horse, his guards to attend his Majesty whither he pleased, either to London or elsewhere, and sent his coaches also.” A letter from Lord Preston, then ambassador at Paris, to the Earl of Carlisle dated February 5, 1684, is perhaps more confirming :—“The Comte de Roussy, nephew to my Lord Feversham, hath last week declared himself a Roman Catholic, the younger son having done it before at Rome; so that in a little time the *Protestants* will lose that family which hath always been a considerable support to their cause and interests. [Hist. MSS. Com. vii, 296. Sir F. Graham's Papers,]

threatened landing of the Prince of Orange, namely, that of superseding all his Catholic officials.

There is, nevertheless, some slight reason for supposing that the Earl of Winchelsea had at that time been again entrusted with the Lieutenancy of the county, for we find him summoned to the King's assistance when arrested in his flight by the populace at Feversham, and a letter is still extant from James to the said Earl, (lately in the possession of Henry, Earl of Winchelsea), informing him that he had been so detained, and asking him to come to his aid,\* but as the supposition rests chiefly on these grounds, it requires further corroboration.

### Returns from the County of Kent.

#### Persons proposed to be Deputy Lieutenants.

Philip Viscount Strengford (*sic*),†  
 Henry Thornell Esqr,  
 Sr Charles Bickerstaffe K<sup>nt</sup>,  
 Sr Charles Littleton K<sup>nt</sup>,  
 Robert Smith Esqr,  
 Sr William Rooke K<sup>nt</sup>,‡  
 Sr Anthony Aucher Bart,§  
 Archibald Clinkard Esqr,||

\* [Hist. MSS. Com. v, 319.]

† Philip, second Viscount Strangford of Westerhanger, and Lyd Court in Word, one of whose ancestors was Sir John Smith of Westerhanger K<sup>t</sup>.

‡ Sir William Rooke of Canterbury, was Sheriff of Kent in 1685, 1687 and 1688. Of the same name at this time was the well known Admiral Sir George Rooke, and probably related.

§ Sir Anthony Aucher of Bishopborne (or Bourne) in Kent, was created a Bart. by Charles II. in 1666, and ob. 1692.

|| Archibald Clinkard, (Clenkard or Clenkard) was of Sutton Place (*alias* Clinkards) (Hasted). He was Sheriff of the County of Kent in 1682, and represented Maidstone in James II. Parliament of 1685. [C. O. L.]

Thomas Fane of Burson [Burston] Esqr,\*

S<sup>r</sup> Robert Filmer Bar<sup>t</sup>,†

S<sup>r</sup> Oliver Botteleere Bar<sup>t</sup>,‡

S<sup>r</sup> Edward Deering Bar<sup>t</sup>.§

### New ones.

Henry Browne Esqr,

John Stafford Esqr,

S<sup>r</sup> Edward Hales Bar<sup>t</sup>,||

S<sup>r</sup> Thomas Seyliard Bar<sup>t</sup>,\*\*

S<sup>r</sup> Robert Guldeford Bar<sup>t</sup>,††

\* Thomas Fane of Burston, in Hunton, Kent, was son of Sir George Fane, and a Colonel in the army. He died in 1692.

† Sir Robert Filmer of East Sutton Bart., was Sheriff of Kent in 1687-8.

‡ Sir Oliver Boteler of Teston, or Berham Court in Teston, Bart. The name of Boteler (or Butler) is derived from Pincerna, of which name was Thomas Pincerna, Chief Butler to King John (Hasted). He succeeded his father Sir William, as second Baronet in 16—, and ob. circa 1690.

§ Sir Edward Dering Bart. of Surrenden Dering, was M.P. for Kent in 1678-9-80, and ob. 1689. The first Bart. was Sir Edward Dering Kt., M.P. for the county in 1640, and Lieutenant of Dover Castle. No family in the kingdom is of more remote antiquity, and second to none in that respect.

|| Sir Edward Hales, third Bart. of Woodchurch and Hackington in Kent, was a Privy-Councillor temp. James II., one of the Lords of the Admiralty, Lieutenant Governor of the Tower, Deputy Warden of the Cinque Ports, and Lieutenant of Dover Castle; and ob. 1695. He was a person of considerable notoriety from another cause, a matter of history, which Reresby relates in these words:—"June 21 1686. This term an action was brought against Sir Edward Hales, a professed papist, to whom the King had given a regiment of foot, upon the statute for five hundred pounds, for taking that employment, not having taken the oaths and the test as that law requires. It was agreed by all the judges, Baron Street only excepted, that the King had power by his prerogative to dispense with all penal statutes; that he was the only judge of the necessity of dispensing with the penal statutes. So Sir Edward, pleading the King's pardon, had the better of the cause. This judgment was very surprising, and occasioned much discourse in the kingdom." What made the action so remarkable was the fact that it was brought by his own coachman to try the question. Sir E. Hales was convicted at the Rochester Assizes, but moved it into the King's Bench, and got a verdict in his favour. He was imprisoned for some time after James's abdication, but on his release and joining the King at St. Germain's, he was created by him Earl of Tenterden. He was with the King when stopped in his first flight at Feversham. We find him M.P. for Canterbury in 1678-9, and either he or his father represented Queenborough from 1661 to 1678. The first Bart. in 1640 sat for Queenborough, and for Maidstone in the Parliament which restored the King.

\*\* Sir Thomas Seyliard (or Sylyard) second Bart. of Delaware in Brasted, Kent, at whose death in 1692 the title became extinct.

†† Sir Robert Guldeford was created a Bart by James II. in 1685. He was of Hemsted (or Hempstead) in Kent, which he alienated temp. Queen Anne to Sir John Norris Kt. He was of an old Kentish family, and in descent from W. de Guldeford of Hemsted temp. Richard II. (Hasted).

Thomas Whetenhall Esqr,  
 Charles Finch Esqr,  
 Sr Thomas Colepeper of Hollinburne [*Hollingborne*],\*  
 Sr Thomas Roberts,  
 Sr Thomas Styles,†  
 Sr John Darrell,‡  
 Sr Robert Hayles,  
 Christopher Vane of Fairlawn Esqr,  
 Robert Feilding Esqr,  
 Thomas Hayles senr Esqr,  
 Robert Crawford Esqr.

## Justices of the Peace.

|                                    |                                   |
|------------------------------------|-----------------------------------|
| Sr John Godwin Kn <sup>t</sup> ,§  | Lewis, Earle of Feversham,        |
| Sr John Berry Kn <sup>t</sup> ,    | Thomas, Lord Colepeper,***        |
| Nathaniell Hornby Esqr,            | Thomas, Lord Petre,               |
| Edward Took,                       | George, Lord Abergavenny,††       |
| Sr Richard Head Bar <sup>t</sup> , | Sr John Tate, Recorder of London, |
| Thomas Manley Esqr,                | Sr Anthony Deane,                 |
| Roger Payne Esqr,                  | Sr John Narborough,‡‡             |

\* Sir Thomas Colepeper (Colepepyr or Culpeper) Kn<sup>t</sup> of Greenway Court in Hollingborne, Kent, was cousin of John, third Lord Colepeper of Leeds Castle.

† Sir Thomas Style of Watringbury in Kent, was second Bart, and ob. 1702.

‡ Sir John Darrell Kt of Calehill in Little Chart, was knighted in 1669, Sheriff of Kent in 1670, and sat for Maidstone in 1678.

§ Sir John Godwin Kn<sup>t</sup> was M.P. for Queenborough in 1685.

|| Lewis, Earl of Feversham, Baron Duras, died in 1709, when the title became extinct. He was a prominent man in his day, having been in command of the King's troops against the Duke of Monmouth in 1685, as well as of James's forces in the west when the Prince of Orange landed in 1688. He was also sent to the King when stopped in his flight at Feversham. He had been a Groom of the Bed-chamber in 1682, and constituted Lord Lieutenant of Kent 4 James II. Reresby says of him:—“ My Lord Feversham was of the family of the Duke de Bouillon, lately Sovereign Prince of Sedan, and nephew to the Marischal de Turenne.” He was Marquis de Blanquefort in France, and had been created Lord Duras in 1673, and succeeded as Earl of Feversham in 1677.

\*\* Thomas, Lord Colepeper, son and heir of John Colepeper created Baron Colepeper of Thoresway in Lincolnshire, ob. 1688, leaving an only daughter and heir who married Thomas, Lord Fairfax, to whom in that way Leeds Castle came. The ancestor of this branch of the Colepeper (or Culpeper) family, was Sir John Colepeper of Losenham, and Wigsell in Sussex temp. James I.

†† George Neville, Lord Abergavenny, was the twelfth Baron, and died s.p. in 1695.

‡‡ Sir John Narborough of Knowlton in Kent, was knighted in 1673; a commissioner of the Navy; and created a Baronet in 1688. He was lost with Admiral Sir Cloudesley Shovel off the Scilly Islands in 1707.

|                                |                                                  |
|--------------------------------|--------------------------------------------------|
| John Kennett Esqr,             | S <sup>r</sup> John Tippetts,                    |
| S <sup>r</sup> Edward Masters, | S <sup>r</sup> W <sup>m</sup> Pritchard,*        |
| Joseph Roberts Esqr,           | S <sup>r</sup> Richard Haddock,†                 |
| Gracianus Linch Esqr,          | S <sup>r</sup> Richard Beach,                    |
| Nordish Rand Esqr,             | Samuel Pepys Esqr,                               |
| Thomas Took Esqr,              | William Hewer,                                   |
| Richard Bretton Esqr,          | James Southerne,                                 |
| Thomas Tyddiman Esqr,          | Balthasar S <sup>t</sup> Michell,                |
| Edward Roberts Esqr,           | Thomas Neale,                                    |
| Thomas Gomeldon Esqr,:‡        | Andrew Lawrence,                                 |
| Walter Breames Esqr,           | Robert Saintclaire,                              |
| Walter Hooper Esqr,            | S <sup>r</sup> Nicholas Crisp Bar <sup>t</sup> , |
| Thomas Hooper Esqr,            | S <sup>r</sup> Edward Deering of Doddington,§    |
| Sergeant Wyatt,                | Piercey Goreing Esqr,                            |
| John Smith Esqr,               | William Broome Esqr,                             |
| S <sup>r</sup> Henry Selby,    | Christopher, Lord Tenham,                        |
| Thomas Settley Esqr,           | S <sup>r</sup> Henry Bond,                       |
| William Maddock Esqr,          | S <sup>r</sup> John Burrough,                    |
| George Evans Esqr,             | William Darrell,                                 |
| Robert Seyliard Esqr,          | Rowland Wattson,                                 |
| Thomas Frewin,                 | John Gifford,                                    |
|                                | Thomas Pettitt,                                  |
|                                | John Bryan of Ludenham,                          |
|                                | William Kingsley sen <sup>r</sup> ,              |
|                                | Daniell White,                                   |
|                                | Heneage Finch.**                                 |

New ones,

John Kingsford,

\* Sir William Pritchard K<sup>t</sup> Sheriff of London, knighted in 1672.

† Sir Richard Haddock knighted in 1675; a commissioner of the Navy. [See Mem<sup>m</sup> of Peter Le Neve respecting him at fo. 120 Harl. MS. 5801.]

‡ Thomas Gomeldon was probably son of William Gomeldon of Sommerfield Court in Sellindge; Sheriff of Kent in 1674.

§ Sir Edward Dering of Doddington, must, we imagine, be the same mentioned by Le Neve, knighted in 1679 at Whitehall by Charles II.

|| Sir Henry Selby was Sergeant-at-Law and Recorder of London, and knighted in 1685; he was second son of George Selby of the Moat in Ightham in Kent, (Le Neve).

\*\* Heneage Finch married daughter and heir of Sir John Banks B<sup>t</sup>. [See note p. 362, *postea*.] He was ancestor of Heneage Finch, Earl of Aylesford.

S<sup>r</sup> John Rayney of Wrotham,  
 S<sup>r</sup> Abraham Jacob,  
 S<sup>r</sup> Nathaniell Powell,\*  
 Thomas Hayles jun<sup>r</sup>,  
 Thomas Brewer, Serjeant at Law,  
 S<sup>r</sup> George Curtis,†  
 Robert Minors,  
 Joseph Guldeford of Hemstead,  
 John Boys of Rochester,  
 George Bolney,  
 John Amos of East Farley,  
 Nathaniell Collier of Hawkhurst,  
 Ralph Buffkins of Looze,  
 Richard Uridge of Hunton,  
 Robert Willford,  
 Edward Brent of Greenhive,  
 Samuel Burton of Lenham,  
 Thomas Thorp of Ashford,  
 Gibon of Rovenden,  
 Geoffrey Amhurst of Fishall neare Tunbridge.‡

[Rawl. MS. A, 139 B.]

### Answers.

The Answers of the Justices of the Peace and Deputy Lieutenants of the County of Kent to the following Questions, which were put to them separately.

1. If in case he shall be chosen Knight of the Sheire, or Burgess of a Town, when the King shall think fitt to call a Parliament, whether he will be for taking of the Penal Lawes and the Tests.

\* Sir Nathaniel Powell of Ewhurst in Sussex, second Bart., succeeded in 1674, and ob. 1707.

† Sir George Curtis (or Curteis) of Otterden in Kent, knighted in 1663.

‡ Geoffrey Amhurst was of Fish Hall in Hadlow, near Tunbridge in Kent.

2. Whether he will assist and contribute to the Election of such Members as shall be for takeing of the Penal Lawes and Tests.
  3. Whether he will support the King's Declaration for liberty of Conscience by liveing friendly with those of all perswasions, as subjects of the same Prince, and good Christians ought to doe.
- 

### Late Deputy Lieutenants.

- + Decr 18<sup>o</sup> Phillip Vicount Strengford, That he will comply w<sup>th</sup> his Ma<sup>ts</sup> in them all, and [not] only soe, but in all other things which the King shall judge for his service. He is not in Com' of y<sup>e</sup> peace.
  - + Decr 18<sup>o</sup> Henry Thornell, That he will totally comply w<sup>th</sup> his Ma<sup>ts</sup> in them all, as likewise in all other things the King shall judge may conduce to his service.
  - + Decr 19<sup>o</sup> Sr Charles Bickerstaffe,\* That if he were a Parliam<sup>t</sup> man, he should be for takeing of the Penalityes of all the Penall Lawes in matter of Conscience, and the Tests. To the 2<sup>d</sup> that he should assist and contribute to the Election of such to serve in Parliam<sup>t</sup> as he may have reason to judge would be of his minde declared in the first Question. Agrees to y<sup>e</sup> last.
  - + Decr 20<sup>th</sup> Sr Charles Littleton, That he does totally comply with them all. He is not in Commission of the Peace.
  - 5 + Dec 21<sup>o</sup> Robert Smith agrees to the 3 Questions. Not in Com' of y<sup>e</sup> peace.
  - 6 + Dec 26 Sr William Rooke, agrees to the 3 Questions.
  - 7 + Decr 26 Sr Anthony Aucher, agrees to the 3 Questions.
  - 8 + Jan<sup>y</sup> 14<sup>o</sup> Archibald Clinkard, agrees to the 3 Questions.
  - 9 + Jan<sup>y</sup> 18 Thomas Fane of Burson [*Burston*], agrees to the 3 Questions.
  - 10 + Jan<sup>y</sup> 18 Sr Robert ffilmer, agrees to the 3 Questions.
  - 11 + Jan<sup>y</sup> 26<sup>o</sup> Sr Oliver Botteleere, agrees to the 3 Questions. He is not in Commission of the Peace.
- 

\* Sir Charles Bickerstaff Knt, was of the Wilderness (called also Stidulfes-place), in Seale, near Sevenoaks in Kent; ob. 1704.

## Justices of the Peace.

- 12 + Dec 20<sup>th</sup> Sr John Godwin, agrees to the 3 Questions.  
 13 + Dec 20<sup>th</sup> Sr John Berry, agrees to the 3 Questions.  
 14 + Dec 21<sup>st</sup> Nathaniell Hornby, agrees to the 3 Questions.  
 15 + Dec 22<sup>d</sup> Edward Took, agrees to the 3 Questions.  
 16 + Dec 23<sup>d</sup> Sr Richard Head, agrees to the 3 Questions.\*  
 17 + Dec 23<sup>d</sup> Thomas Manley, agrees to the 3 Questions.  
 18 + Dec 24<sup>th</sup> Roger Payne, agrees to the 3 Questions.  
 19 + Dec 25<sup>th</sup> John Kennett, agrees to the 3 Questions.  
 20 + Dec 27<sup>th</sup> Sr Edward Masters, agrees to the 3 Questions.  
 21 + Dec 27<sup>th</sup> Joseph Roberts, agrees to the 3 Questions.  
 22 + Dec 30<sup>th</sup> Gracianus Linch, agrees to the 3 Questions, and says  
     that althoough he is very infirme himselfe, and by that meanes  
     uncapable of serving his Mat<sup>ie</sup>, he has a son whome he shall take  
     care to Principle in all respects to his Mat<sup>ies</sup> service.  
 23 + Dec 31<sup>st</sup> Nordish Rand, agrees to the 3 Questions.  
 24 + Jan 1<sup>o</sup> Thomas Took, agrees to the 3 Questions.  
 25 + Jan 1<sup>o</sup> Richard Bretton, agrees to the 3 Questions.  
 26 + Jan 1<sup>o</sup> Thomas Tyddiman, agrees to the 3 Questions.  
 27 + Jan 1<sup>o</sup> Edward Roberts, agrees to the 3 Questions.  
 28 + Jan 3<sup>d</sup> Thomas Gomeldon, agrees to the 3 Questions.  
 29 + Jan 7<sup>o</sup> Walter Breames, agrees to the 3 Questions.  
 30 + Jan 10<sup>th</sup> Walter Hooper, agrees to the 3 Questions.  
 31 + Jan 10<sup>th</sup> Thomas Hooper, Father to the former althoough I  
     could not see him, he being aged and infirme, yett his sone  
     answers for his agreeing to the 3 Questions.  
 32 + Jan 14 Serjeant Wyatt, agrees to the 3 Questions.  
 33 + Jan 14 John Smith, agrees to the 3 Questions.  
 34 + Jan 16 Sr Henry Selby, agrees to the 3 Questions.  
 35 + Jan 20<sup>th</sup> Thomas Pettley, is very old and infirme, but as farr as  
     in him lyes, agrees to the 3 Questions.  
 36 + Jan 20<sup>th</sup> William Maddock, agrees to the 3 Questions, and will  
     act accordingly as farr as his age and infirmity will permitt him.  
 37 + Jan 26<sup>th</sup> George Evans, agrees to the 3 Questions.  
 38 + Jan 26<sup>th</sup> Rob<sup>t</sup> Seyliard, agrees to the 3 Questions.

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\* Sir Richard Head of Rochester, was created a Bart in 1676, and ob. 1689. He  
 was M.P. for that place in 1678-9.

- 39 + Jan 26<sup>th</sup> S<sup>r</sup> Nicholas Crisp agrees to the 3 Questions, but he does not think himselfe a Justice of Peace of this county, being dispenc't withall for that duty by the Court of Excheq<sup>r</sup>, upon the account of his attending the King's business in London, and was never sworne.
- 40 + Jan 26<sup>th</sup> S<sup>r</sup> Edward Deereing of Doddington agrees to the 3 Questions.
- 41 + Jan 27<sup>th</sup> Piercy Goreing agrees to the 3 Questions.
- 

#### Catholicks in Commission of the Peace (viz<sup>t</sup>)

- 43 Christopher Lord Tenham,  
 44 Henry Browne,  
 45 John Stafford,  
 46 S<sup>r</sup> Edward Hales,  
 47 S<sup>r</sup> Henry Bond,  
 48 S<sup>r</sup> Robert Guldeford,  
 49 S<sup>r</sup> John Burrough,  
 50 Thomas Whitenall,  
 51 William Darrell,  
 52 Charles Finch,  
 53 Rowland Wattson,  
 54 John Gifford,  
 55 Thomas Pettitt,  
 56 John Bryan,  
 57 William Kingsley, sen<sup>r</sup>.

Such as were late Deputy Lieutenants, (and by this Returne) have given their consents to the 3 Questions, are humbly offred to his Ma<sup>tie</sup> as fitt persons to have their severall Deputations renewed.

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#### Deputy Lieutenants.

- 1 Dec 20<sup>th</sup> S<sup>r</sup> John Bancks. That he cannott agree to the 2 first questions. Agrees to the last.

- 2 Dec 28<sup>th</sup> S<sup>r</sup> Henry Palmer.\* To the first, that he cannot promise which way he shall give his vote; to the second he cannot promise he will be for such Members as will take of the Penall Lawes and Tests: agrees to the third.
- 3 Jan 6 S<sup>r</sup> William Honywood. To the first question, that he canott answer in the affirmative; to the second that he will assist noe person either of one opinion or another; to the third he agrees.
- 4 Jan 7<sup>th</sup> Henry Lee, late Mayor of Canterbury. To the first question says, that altho<sup>ugh</sup> his private opinion be for taking of the Penall Lawes and Tests, yett if he should be a Parliam<sup>t</sup> man, he does not know upon hearing the debates, what reasons he may have for altering itt; to the second that as neare as he can he shall assist to the Election of an honest man, but for his opinion relating to the Penall Lawes and Tests, he thinks itt not proper for him to examine; agrees to the Last.

He is not in Commission of the Peace.

- 5 Jan 15<sup>o</sup> S<sup>r</sup> William Twisden.† To the first question, says, that untill he heares the debates in parliament, he cannot give a resolution. To the second that he shall assist to the election of such as he beleives to be honest and loyall men. Agrees to the last.
- 6 Jan 15<sup>o</sup> S<sup>r</sup> Thomas Colpepyr says, To the first and second question, he canott give a possitive resolution to them. To the third he agrees.
- 7 Jan 15<sup>o</sup> S<sup>r</sup> Thomas Taylor.‡ To the 2 first questions says, That he is engaged to S<sup>r</sup> William Twisden and S<sup>r</sup> John Knatchbull, and if he were himself a Parliament man, nothing should prevaile with him to take of the Penall Lawes and Tests, unless att the same time secure provisions were made that all Benefices and Fellowships of Colledges, and what else belongs to Ecclesiasticall preferments, might be enjoyed by those of the Church of England, and none else. To the last he says he will live friendly w<sup>th</sup> his neighbours.

\* Sir Henry Palmer of Wingham, third Bart<sup>t</sup>, was Sheriff of Kent in 1691, and ob. 1706. The first Bart<sup>t</sup> was created by James I. in 1621. This branch of the family is descended from the Palmers of Angmering in Sussex temp. Edward II.

† Sir William Twisden, third Bart of East Peckham and Dean Court, in Meopham, in Kent, son of Sir Roger Twysden, was M.P. for the county of Kent in 1685.

‡ Sir Thomas Taylor Bart, represented Maidstone in Parliament in 1688, 1689-90, and in 1695, when he died.

- 8 Jan 16<sup>th</sup> William Campion. To the first question says, That untill he heares the debates in Parliament he cannott resolve as to that question. To the second, that he is already engaged to 2 Persons whom he has a confidence in. Agrees to the last.
- 9 Jan 17<sup>th</sup> S<sup>r</sup> Roger Twisden.\* To the first question says, that for the Penall Lawes he should agree to y<sup>e</sup> taking them all off excepting that of Conventicles, but cannott agree to the takeing of the Tests. To the second, that he shall endeav<sup>r</sup> to contribute to the Election of such as he may judge to be loyall and good men. Agrees to the last.
- 10 Jan 19<sup>o</sup> S<sup>r</sup> John Knatchbull† says, To the first question that if he be chosen a Parliament man he shall be ready to take of the Penall Lawes and Tests, if upon y<sup>e</sup> debates of the house there shall appeare good reasons for itt. To the second, that as in the first, untill he heares the debates in the house, he cannott give a resolution, soe that he does not think itt proper to assist to the election of such as will previously declare their oppinnions. To the third he agrees.
- 11 Jan 20<sup>th</sup> Kaleb Bancks. To the first question says, that he cannott give a Resolution to itt, untill he heares y<sup>e</sup> debates of the house. To the second, that he will assist to the election of loyall and good men. Agrees to the third.
- 12 Jan 26<sup>o</sup> S<sup>r</sup> John Heath.‡ To the first saith, that if he were a Parliament man, untill he heares the Debates he can give noe resolution to this question. To the second, that he will assist to the Election of such as will take of the Sanguinary Lawes, but not the Penall Lawes and Tests in general. Agrees to the last.

### Justices of the Peace.

- 13 Dec 19<sup>o</sup> S<sup>r</sup> Joseph Williamson§ says he cannott comply w<sup>th</sup> the 2 first Questions, but agrees to the 3<sup>d</sup> in all poynts.

\* Sir Roger Twisden (or Twysden), Bart of Bradbourn, in East Malling, son of Sir Thomas Twisden, (a judge of the Court of King's Bench), was M.P. for Rochester in the Convention Parliament of 1688-9.

† Sir John Knatchbull represented Kent in 1685, 1688-9, 1689-90.

‡ Sir John Heath of Brasted in Kent, knighted in 1664; his only daughter and heir married Lord Willoughby de Broke. (Le Neve.)

§ Sir Joseph Williamson Kt., of Cobham Hall, in Kent, was Principal Secretary of State in 1674, having been Clerk of the Council, Chief Secretary to Sir Edward

- 14 Dec 21<sup>st</sup> S<sup>r</sup> William Hooker says, That as to the three questions he will serve his Majestie in what he is able.
- 15 Dec 27<sup>th</sup> Edward Nutt of Nackinton [*Nackington*] says, That he cannott at p'sent agree to the 2 first Questions. Agrees to the last.
- 16 Dec 28<sup>o</sup> John Cason says, To the first question, that he knows not what oppinion he should be of; To the second he doth not well know what persons he should be for, but thinks rather for such as would nott be for takeing of the Penal Lawes and Tests. Agrees to the last.
- 17 Dec 28<sup>th</sup> George Elcock says to the first question, That untill he hears the debates he cannot resolve in this matter. To the second he knows not what to say. Agrees to y<sup>e</sup> last.
- 18 Dec 28<sup>th</sup> Worthley Whorwood to the first question says, That he would be for taking off the Tests, but not the Penall Lawes. To the second he says he will assist noe person either of one Judgment or another. Agrees to y<sup>e</sup> last.
- 19 Dec 29<sup>th</sup> Christopher Mills of Hearn [*Herne*] to the 1<sup>st</sup> question says, That he cannott att present say that he would be for takeing off the Penall Lawes and Tests if he should be a Parliamt man. To the second he says, he allready has engaged to the two last Knights of the Sheire, if they doe not stand he will comply with the King in this question. Agrees to the third.
- 20 Jan 11<sup>th</sup> William Randolph to the first question sayes, Thatt he should be for a mittigation of the penallties as to the Penall Lawes; for the Tests he consents should be taken off. To the second, that he should not be for such as would repeale the penall Lawes, but the Tests he agrees to. Agrees to the third.
- 21 Jan 11<sup>th</sup> S<sup>r</sup> Nicholas Took,\* to the first question says, He thinks he should not be for taking of the Penall Lawes and Tests. To the second, he cannott be positive what men he should be for electing. Agrees to the last.

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Nicholas, Secretary to Henry Earl of Arlington, President of the Royal Society, and Keeper of the Paper Office. He was knighted in 1671 [Le Neve], and one of the Plenipotentiaries at Cologne in 1673. He was sent to the Tower for giving commissions to Popish Recusants, but soon after released. He died in 1702, and left a valuable collection of MSS. to Queen's College, Oxford, of which he had been a Fellow. He seems to have sat in Parliament for Thetford in Norfolk in 1678-79-80-1, and 1685, and for Rochester in 1689-90, 1695, and 1698 (in which year he was also returned for Thetford in Norfolk), and 1700-1. He married Lady Catharine Stuart, relict of Lord O'Brien, and sister of Charles Stuart, Duke of Richmond.

\* Sir Nicholas Took (or Toke) of Goddington in Great Chart, was Sheriff of Kent in 1693.

- 22 Jan 11<sup>th</sup> William Andrewes to the first question says, That he knows not what minde he should be of when he heares the debates, but at present he is not for takeing of the Penal Lawes and Tests. To the second, he shall endeavo<sup>r</sup> to choose such men as are of his own oppinnion mentioned in the first question. To the third as for supporting the Kings Declaration he can say nothing to that part, but for the latter of living freindly and neighbourly and the rest, he agrees to.
- 23 Jan 16<sup>o</sup> S<sup>r</sup> John Marsham,\* To the first question says, that if he should be a Parliament man, untill he heares y<sup>e</sup> debates in the house he can take noe resolution. To the second, that he is allredy (sic) engaged to give his voice for S<sup>r</sup> Will<sup>m</sup> Twisdens being Knight of the Sheire, and to use his intrest in Rochester for his brother S<sup>r</sup> Roger Twisden. Agrees to the last.
- 24 Jan 17<sup>o</sup> James Masters of Yokes [Yotes], To the first question sayes, That he agrees to that part which relates to y<sup>e</sup> Penall Lawes, butt not the takeing of the Tests. To the second that he is allready engaged to 2 Loyall and good men. Agrees to y<sup>e</sup> last.
- 25 Jan 17<sup>o</sup> Thomas Dollitson, To the first question says, that untill he heares the debates in Parliament, he can give no resolution to this. To the second that he shall endeavour to assist in the Election of good and Loyall men to serve in Parliament. Agrees to the last.
- 26 Jan 17<sup>o</sup> S<sup>r</sup> Humphrey Miller.<sup>t</sup> To the first question says, That untill he heares the debates in Parliament, he cannot resolve as to this. To the second that he shall endeavour to contribute to the Election of good and Loyall persons. Agrees to the last.
- 27 Jan 17<sup>o</sup> William Lambert says to the three questions, That he can make noe answer to things of this nature.
- 28 Jan 17<sup>o</sup> Francis ffarnaby says to the first question, That he consents to the takeing of the Penall Lawes, but cannott give any answer as to the Tests. To the second he will have noe hand in Elections either one way or other. Agrees to the last.

\* Sir John Marsham, second Bar<sup>t</sup> of Whornes (Horne's) Place, in Cookstone, Kent, succeeded his father in 1685, and ob. 1692, in which year Hasted returns him as Sheriff of Kent, and of the Moat near Maidstone.

<sup>t</sup> Sir Humphrey Miller of Oxenhoath in West Peckham, (now the property of Sir Francis Geary Bart), was created a Bar<sup>t</sup> at the Restoration, and was Sheriff of Kent in 1666. He died in 1709, and his descendant in the female line is the above baronet.

- 29 Jan 18<sup>o</sup> William Boys. To the first question says, That if he were a Parliament man, he thinks he should not be for taking of the Penall Lawes and Tests. To the second, that he thinks he should not be for such Members as would take of the Penall Lawes and Tests. Agrees to the third.
- 30 Jan 19<sup>o</sup> Daniell White. To the first question says, he cannott resolve, but beleives he sho'ld comply w<sup>th</sup> itt. To y<sup>e</sup> second untill he has considered he cannott resolve, but beleives he should be for such in an Election as would be (as farr as he could know their intentions) for takeing of the Penall Lawes and Tests. Agrees to the third.
- 31 Jan 19<sup>o</sup> John Sherman says To the first question, That if he should be a Parliament man, untill he heares y<sup>e</sup> debates in Parliamt, he can give no resolution to this. To the second, he shall assist to the Election of such as would be for easeing of Penaltties as much as may be. Agrees to the last.
- 32 Jan 22<sup>o</sup> Christopher Mason. That he will not be a Parliament man. To the second, that he will not give any assistance to such as will oppose his Maties intentions in this. Agrees to the last.
- 33 Jan 27<sup>o</sup> James Masters of Langden [*Langdon*] says to the first question, That as he is resolved at present he thinks he should not be for takeing of the Penall Lawes and Tests. To the second, that as he is at present resolved, he should not assist to y<sup>e</sup> Election of any persons that were not of the same opinion. Agrees to y<sup>e</sup> last.
- 34 Jan 28<sup>o</sup> S<sup>r</sup> John Cuttler.\* To the two first questions, That he does not intend to stand for Parliament man, nor to elect any, but that when it comes to a Tryall he shall show himselfe to be an honest man to all intents and purposes. Agrees to y<sup>e</sup> last.

S<sup>r</sup> John Hendent, late Deputy Lieutenant rendred very infirme by a Paraletticall distemper, and not likely to recover.

S<sup>r</sup> Francis Lee, late Deputy Lieutenant resides in another County.

\* Sir John Cutler of Deptford Kt, was created a Bar<sup>t</sup> in 1660, and died in 1693, when the title became extinct. He married daughter of Sir Thomas Tipping K<sup>t</sup> of Wheatfield, in Oxon, to which estate Lord Teynham eventually succeeded. He was Sheriff of Kent in 1676.

† Sir John Henden K<sup>t</sup> of Biddenden in Kent, was grandson of Sir John Henden, Sheriff of Kent temp. Charles I.

S<sup>r</sup> Steephen Leonard,\* and Cresheld Draper both late Deputy Lieutenants were soe ill when I was in y<sup>e</sup> country that I could not see them.

S<sup>r</sup> John Shawt, and Charles Amhurst,† Justices of the peace, I could not see, by reason of their indispositions.

- + Henry Finch,
  - S<sup>r</sup> John Austin lives out of y<sup>e</sup> county,
  - S<sup>r</sup> Thomas Seyliard has lived some time out of the county,
  - S<sup>r</sup> Robert Marsham lives in Essex,§
  - William Dyke,
  - + Thomas Frewin lives in Sussex, and is a Justice of the peace there.
  - Edward Manning,
  - Edward Bathurst,
  - John Parker,
  - Edward King,
  - Thomas Gifford.
- } Absent.

Persons proposed to be added to the Commission of the Peace in divers parts of the County, and some of them to be both Justices of the Peace and Deputy Lieutenants.

#### Deputy Lieutenants.

- Phillip, Viscount Strengford,
  - S<sup>r</sup> Charles Littleton,
  - Robert Smith,
  - John Kingsford.
- } To be added to y<sup>e</sup> Commission of the Peace.

\* This magistrate may be Sir Stephen Lennard of West Wickham in Kent, who was created a Bart in 1642, and returned as an intended "Knight of the Royal Oak"; or his son, the second Bart, who died in 1709, and was M.P. for the county in 1698.

† Sir John Shaw, first Bart, had the Manor of Eltham in Kent, and ob. 1721.

‡ Charles Amhurst was probably son of Richard Amhurst of Bayhall in Pepenbury, Kent, whose sister and heir married Sir Henry Selby (Le Neve).

§ Sir Robert Marsham Kt and fourth Bart, brother of Sir John Marsham, eventually succeeded to Horne's Place in Kent on the death of his nephew the third Bart s.p. He had been knighted in 1681, being then one of the Clerks in Chancery, and was M.P. for Maidstone in 1698 and 1701. His son Sir Robert Marsham was created Lord Romney.

Henry Browne,  
 John Stafford,  
 S<sup>r</sup> Edward Hales,  
 S<sup>r</sup> Thomas Seyliard,  
 S<sup>r</sup> Robert Goldeford,  
 Thomas Whetenhall,  
 Charles Finch.

} These are in the Comīssion  
 of the Peace, and are pro-  
 posed for Deputy Lieuten<sup>ts</sup>.

S<sup>r</sup> Thomas Colepepyer of Hollin-  
 burn [Hollingbourne],  
 S<sup>r</sup> Thomas Roberts,\*  
 S<sup>r</sup> Thomas Styles,  
 S<sup>r</sup> John Darrell,  
 S<sup>r</sup> Robert Hayles,  
 Christopher Vane of Fairlawne,  
 Robert Feilding of Sumerhill  
 [Sumner Hill]  
 Thomas Hayles, sen<sup>r</sup>  
 Robert Crawford, Captaine in S<sup>r</sup>  
 Charles Littletons Regim<sup>t</sup>,  
 and Deputy Governo<sup>r</sup> of  
 Sheerness.

} These to be Justices of the  
 Peace, and Deputy Lieu-  
 tenants.

John Kingford,  
 S<sup>r</sup> John Rayney of Wrotham,†  
 S<sup>r</sup> Abraham Jacob,‡ Captain of  
 Warmer [Walmer] Castle,  
 S<sup>r</sup> Nathaniell Powell,  
 Thomas Hayles, jun<sup>r</sup>,  
 Thomas Brewer, Barrister,  
 Robert Minors, Governo<sup>r</sup> of Upnor  
 Castle,  
 Joseph Guldeford of Hempstead,  
 John Boys, Cap<sup>t</sup> in L<sup>d</sup> Dart-  
 mouths Regim<sup>t</sup>,

} To be added to the Comīssion  
 of the Peace.

\* Sir Thomas Roberts, fourth Bart of Glassenbury in Cranbrook parish, Kent, was M.P. for the county in 1689, 1695; and ob. 1706.

† Sir John Rayney was the third Bart of Wrotham and West Malling in Kent.

‡ Sir Abraham Jacob of Dover Knt, Governor of Walmer Castle, was knighted in 1683. He had the manor of Ripple or Ripple Court (Hasted).

Richard Lee of Rochester,  
 Geo Bolney,  
 John Amos, of East Farley  
     [*Farleigh*],  
 Nathaniell Collier of Hawkhurst,  
 Ralph Buffkins of Looze [*Loose*],  
 Richard Uridge of Hunton,  
 Robert Willford, Cap<sup>t</sup> of the Guard-  
     Shipp, before Sheerness,  
 Edward Brent of Greenhive  
     [*Greenhithe*],  
 Samuell Burton of Lenham,  
 Thomas Thorp of Ashford,  
     — Gibon of Rovenden,  
 Geofrey Amhurst of Fishall [*Fish  
Hall*] neare Tunbridge.

William Darrell of Scotney being a Justice of y<sup>e</sup> Peace for this County,  
 and liveing on the borders of Sussex, itt will be very convenient that he  
 be likewise in the Commission of the Peace for that County.

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#### CITY OF CANTERBURY.

S<sup>r</sup> William Honywood and Henry Lee, late Mayor,  
 Late Members of Parliament were the most prevailing Intrest.  
 S<sup>r</sup> W<sup>m</sup> Honywood, S<sup>r</sup> Anthony Aucher and S<sup>r</sup> William Rooke a good  
 Henry Lee Esq<sup>r</sup>. Intrest.

S<sup>r</sup> John Darrell and Thomas Hayles of Owletts have the Intrest of  
 the present Mayor and y<sup>e</sup> Dissenters, and by them are judg'd the  
 likelyest persons to oppose with success S<sup>r</sup> William Honywood and  
 Mr. Lee.

Since the late Regulation Mr. Wattson and S<sup>r</sup> James Oxenden\* have  
 appear'd in this City, by the perswasion (as it is judg'd) of S<sup>r</sup> William

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\* Sir James Oxenden of Deane (or Dene), in Wingham, Kent, second Bart; ob.  
1708.

Honywood\* and Mr. Lee,† whose intrests itt is presumed will joyne, either for the one, or the other, as they shall find it convenient.

It is offred to consideration, first that heere are between seaven and eight hundred freemen, and therefore that such of those gentlemen as will spend most money amongst them, when it comes to an Election, will be most likely to carry itt. It is presumed that S<sup>r</sup> John Darrell and Mr. Hayles are likely to be more free in the expence then [tha] S<sup>r</sup> Anthony Aucher or S<sup>r</sup> William Rook will judge itt convenient for them to be, but I humbly conceive, that S<sup>r</sup> William Honywood and Mr. Lee, will be more largely zealous in their disbursments, and will finde itt the more easie, by reason of their constant hospitallity in the Citty.

To promote therefore as much as may be the Kings service in this Election, the most secure meanes (if there can be any) will be, to supply what may be wanting, either by the inability, or free inclination to disburse for this service, and then to joyne the intrests, that is, if S<sup>r</sup> John Darrell and Mr. Hayles are to stand, to have S<sup>r</sup> Anthony Aucher and S<sup>r</sup> Will<sup>m</sup> Rooks intrests joyn'd with theires, and soe on the contrary.

#### CITTY OF ROCHESTER.

Late Members of Parliament were S<sup>r</sup> John Bancks, Fra: Clark. § There are heere about three hundred Freemen, S<sup>r</sup> John Bancks‡ the most prevaileing intrest. S<sup>r</sup> Roger Twisden|| has bin for some time endeavouring the good opinion of the freemen, and itt is beleived S<sup>r</sup> John Bancks will

\* Sir William Honywood, second Bart of Canterbury, and Evington in Kent, was M.P. for Canterbury in James II. Parliament of 1685, in the Convention Parliament of 1688-9, and 1695.

† Henry Lee "of the Precincts of Canterbury Cathedral," and Mayor of Canterbury, was returned a member for that city in 1685, 1688-9, 1689-90.

‡ Sir John Banks (or Bancks) of Aylesford, Bart, had the Manor of Shales Court, Maidstone. He was returned for Rochester in 1678-9, 1679, 80, 85, and for Queenborough in 1689-90. He was created a Bart in 1660, and ob. 1699. His daughter and co-heir married Heneage Finch, second son of Heneage, Earl of Nottingham, afterwards in 1714 created Earl of Aylesford.

§ Francis Clerke was M.P. for Rochester in 1685, 1689-90.

|| Sir Roger Twisden was returned for Rochester in the Convention Parliament of 1688-9.

assist him what he can, but itt is not judg'd S<sup>r</sup> Roger will carry itt against S<sup>r</sup> Phineas Pett.\*

The same reason that appeares for S<sup>r</sup> Phineas Petts intrest (if carefully and timely managed), may possibly disappoyn S<sup>r</sup> John Bancks, for itt is judg'd that what w<sup>th</sup> the Dissenters, and such as belong to the Dock and Navy, who eat of the Kings bread, (and must be timely forewarn'd of looseing itt), halfe the number may be for choosing such as the King shall recommend, especially if what has bin said of disbursements in Canterbury be observed heere.

#### TOWN OF MAIDSTONE.

John Tuffton, } It is judg'd that the most apparent intrest is that of  
Archib<sup>b</sup> Clinkard } S<sup>r</sup> Thomas Colpepyrs and Mr. Bancks (son of Sir John).  
Searjant Wyatt and Mr. Clinkard have also a good intrest in this Town, but S<sup>r</sup> William Twisden is p'sumed to have the best for himselfe, if he did not designe to stand for Knight of the Sheire.

John Amos of East Farley is judg'd by the Mayor and the Dissenters (who incline for him), to have the most likely intrest to carry an Election for himselfe, and would be the more secure if Searjant Wyatt and Mr. Clinkard joyne theires, and soe on the contrary, if Searjant Wyatt and Mr. Clinkard are thought fitt to stand, the above mention'd intrest so joyn'd with them.

#### BOROUGH OF QUEENBOROUGH.

S John Godwin, } There are heere about Thirty, or one and Thirty,  
Mr. Caleb Bancks. } that have their voyces in the election of 2 Parliam<sup>t</sup>

\* Sir Phineas Pett Knt of Chatham, Commissioner of the Navy, knighted by Charles II., and died in 1696 at Frendsbury near Rochester. He was four times married (Le Neve). Whilst in custody of Chatham Dock Yard in 1667, the Dutch Admiral, under De Ruyter, Van Ghent, nearly succeeded in destroying the place, for which he was chiefly considered responsible, and was consequently impeached in Parliament. [Echard, Hist. of Engl., 838.]

men. Caleb Banks\* a good intrest here, but Captaine Willford is judg'd at present to have the most prevailing, and assures if Sr John Godwin will stand with him, to assist and promote his intrest with his owne, and if the measures, some time since propos'd, be taken, in probability they may carry itt.

(Endorsed),      Kent,  
Feb. 3<sup>d</sup> 1687-8.

[Rawl. MS. A 139, ff 59—70.]

### Report from the King's Agents.

To the King's most Excellent Majestie,  
May it please Yo<sup>r</sup> Ma<sup>tie</sup>,

Wee most humbly tender to Yo<sup>r</sup> Ma<sup>tie</sup> an accompt of the Transactions  
of several of those Agents lately sent into the Country &c., &c.<sup>t</sup>

**KENT COUNTY.**—The County intends to choose Sr John Knatchbull and Sr William Twisden. They are moderate, and will consent to repeal the penall Laws, but reserv'd as to the Test. Tis not probable their Interest can be opposed, and that of any others should stand. They may be more doubtfull.

**CANTERBURY.**—The Dissenting Interest, and moderate Churchmen will elect John Kingsford the Mayor, and Edward Crawford the Recorder, who are both right.

Sr William Honywood, and Mr. Lee are making an Interest to be elected, of whom we cannot give any good accompt.

There is a very good interest made for the Mayor and Recorder, and theire election would be certain in case the precept be delivered to Mr. Edward Hurst, and he goes down with it, and take care of

\* Caleb Banks of Maidstone, was son of Sir John Banks. He was M.P. for Queenborough in 1685, in the Convention Parliament of 1688-9, and for Rochester in 1689-90 and 1695, when he died. [C. O. L.]

† See pp. 101, 102.

the Election, and letters writ to William Rook Esq<sup>r</sup> High Sheriff, Joseph Roberts Esq<sup>r</sup>, Richard May, and Jacob Wraight Alderman, signifying that it is His Ma<sup>ties</sup> desire, That the sayd Mayor and Recorder, who have been bred and always inhabitants in the Towne, should stand for Burgesses, and that those gentlemen use their utmost Interest to promote their Election.

There is a place called Sermon House, adjoyning to the Cathedrall, where the Dean and Prebends formerly used to preach, but for 4 or 5 years last past they have preached in the Quire, making no use of the Sermon House. If his Ma<sup>tie</sup> shall please that a letter be writ to the Dean and Chapter to assigne the sayd Sermon House for the Mayor, Aldermen, and their Ministers use, it would also have a great influence upon the Election.

**ROCHESTER.**—The generality of the city incline to choose Sr John Banks, and if Your Ma<sup>tie</sup> please to recommend Sr Phineas Pett, 'tis very probable he will be elected with Sr John Banks.

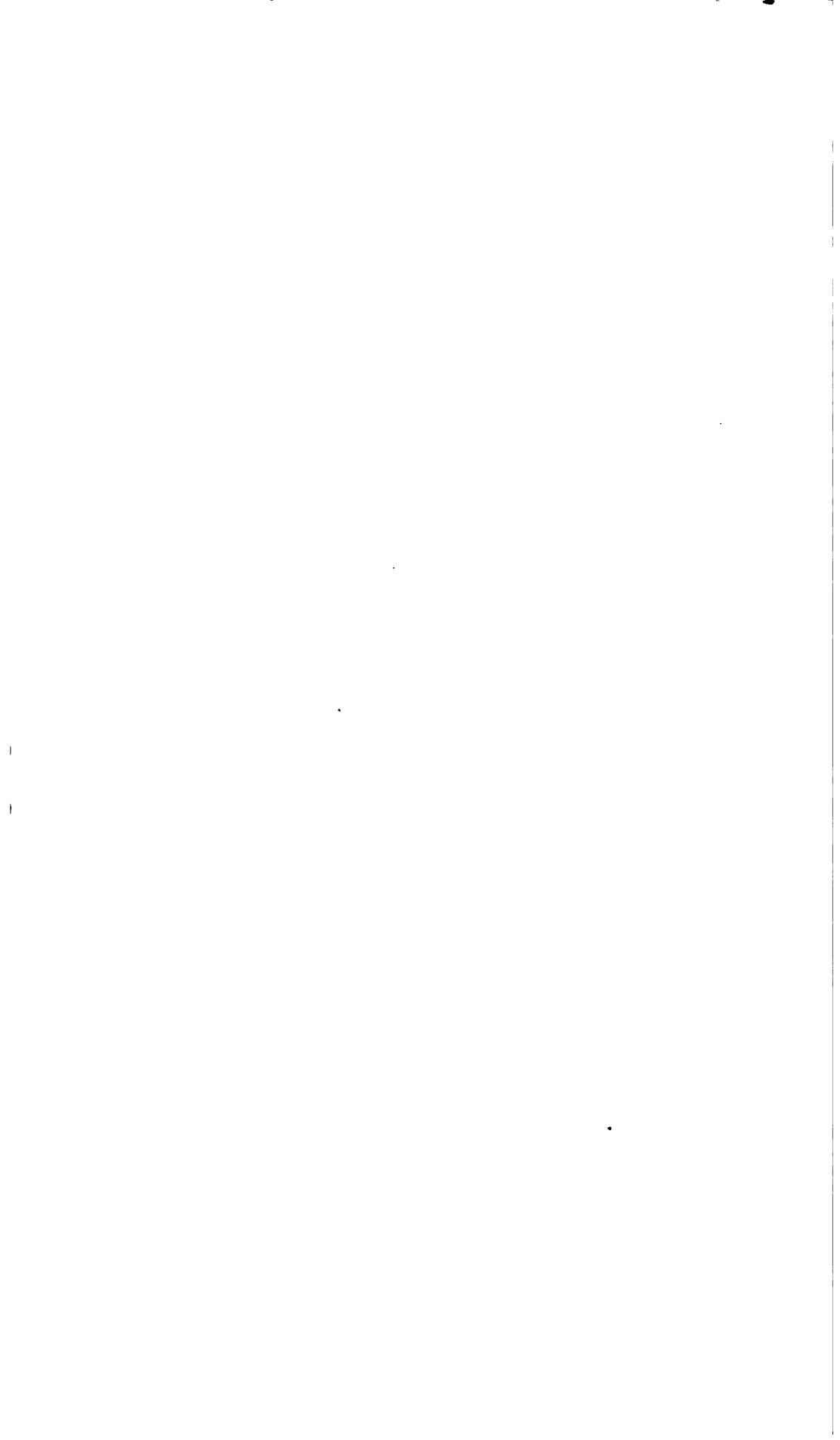
**MAYDSTONE.**—The Mayor and the Dissenters propose Thomas Fane of Burston, and Ralph Buskin, who are likely to be elected, and are both right men.

**QUEENBOROUGH.**—Tis supposed they will elect Cap<sup>t</sup> Wifford (*sic*) and Cap<sup>t</sup> Crayford, and that no dispute will be about it.

(Endorsed),

Returns from the Agents  
in the Country  
Sept<sup>r</sup>, 1688.

[Rawl. MS. A 139 B, f. 186.]



## **Devonshire and Cornwall.**



# Penal Laws and Test Act;

PROPOSED REPEAL OF THE SAME IN 1687-8;

*In respect of the Deputy Lieutenants and Magistrates of Devonshire and Cornwall.*

[From the Original State Papers in the Bodleian Library.]

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THE Lord Lieutenant of the two counties of Devonshire and Cornwall was at the time under notice John Granville, first Earl of Bath of that creation.\* He had been invested with the title in the first year of James II., and from incidents recorded of him we find that he retained his office during that King's entire reign. He had been high in favour at Court from an early date, following close on the Restoration, and his defection subsequently, so soon as the Prince of Orange had landed, was especially incensing to James. "None of the Deserters," says Macpherson,† "surprised the King so much as the Earl of Bath, who had received so much from the Crown, and was of so loyal a family, till then thought above temptation to do an ill action." Cornwall, also, was the county in England which of all others numbered the greatest number of small boroughs, and was looked upon with some anxiety ; the unsatis-

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\* He was created in 1661 Baron Granville of Kirkhampton and Bideford, Viscount Granville of Lansdown, and Earl of Bath. He died in 1701, having in 1660 been made Groom of the Stole.

† Extracts from Life of James II., i, 164. In continuation the narrative says of him, (being then Governor of Plymouth), "he declared [for the Prince], and secured the Earl of Huntingdon, whose regiment was in garrison in the citadel, and all the Roman Catholic officers, and common men of that persuasion, and kept them prisoners ; Lord Hastings, his cousin's lieutenant-colonel, and some other officers joining with him in it."

factory result therefore of the King's canvassing measures in that quarter must have been doubly irritating and mortifying to him. Macaulay tells us, as to this matter, "The Earl of Bath, after a long canvass, returned from the West with gloomy tidings. He had been authorised to make the most tempting offers to the inhabitants of that region. In particular he had promised that, if proper respect were shown to the Royal wishes, the trade in tin should be freed from the oppressive restrictions under which it lay. But this lure, which at another time would have proved irresistible, was now slighted. All the justices and deputy lieutenants of Devonshire and Cornwall, without a single dissenting voice, declared they would put life and property in jeopardy for the King, but that the Protestant religion was dearer to them than either life or property. "And Sir," said Bath, "if your Majesty should dismiss all these gentlemen, their successors would give exactly the same answer."\* It must be confessed that the Returns from these two counties, but especially from Cornwall, tend much to corroborate this assertion.

### Returns from Devonshire and Cornwall.

A List of Persons fitt to be Deputy Lieutenants and Justices of the Pease (*sic*) for the County of Cornewall.

#### Depty Lieutenants and Justices.

S<sup>r</sup> John St<sup>t</sup> Aubyn Bar<sup>t</sup>,†  
S<sup>r</sup> John Arundell Bar<sup>t</sup>,

\* Macaulay, Hist. of Engl., ii, 133; Van Citters Nov<sup>r</sup> <sup>10</sup><sub>20</sub> 1688.

† Sir John St. Aubyn of Clowance in Crowan, Cornwall, was created a Bart in 1671; extinct 1839. Was M.P. for Michael borough in 1679, and for Helstone in 1688-9.

Humphry Borlase,  
 Sam. Rolle,\*  
 W<sup>m</sup> Sylly,  
 John Nicholls,  
 Edw. Herle.†

Justices.

W<sup>m</sup> Harris,  
 John Gregor,  
 John Kendall,‡  
 John Morth,  
 W<sup>m</sup> Coode,  
 Rob<sup>t</sup> Rouse,  
 W<sup>m</sup> Bond jun<sup>r</sup>,  
 Tho. Dodson,  
 Fra. Calmadie,  
 John Verman,  
 John Kegwyn,  
 Humph. Nicholls,§  
 W<sup>m</sup> Keckewich,  
 John Hamley,  
 Hugh Tonkyn,  
 John Kestle,  
 Phil. Mayow,  
 Edm<sup>d</sup> Phillips,  
 Edw<sup>d</sup> Nosworthy,||  
 Hugh Jordyene [*Jordayne?*] jun<sup>r</sup>,  
 Sr John Arundell, D.L.,

\* Samuel Rolle appears to have been M.P. for Callington in 1678-9. The same, or another, had sat for this borough in 1661. The justice here named was apparently Samuel Rolle of Heanton in Devon, and M.P. for the county in 1688-9.

† Edward Herle was returned for Grampound in 1688-9, and was probably of Landew (or Landue).

‡ John Kendall of Treworgye [*Treworgay*] ; Walter Kendall of Pelyn ; and James Kendall of Killigarth, are names of some of the same family at this time.

§ Humphry Nicholl was M.P. for Bossiney in 1688-9.

|| Edward Nosworthy junr., was M.P. for St. Ives in 1680, and sat for the same borough with his father Edward in 1679. The family was of Ince Castle in Cornwall.

Humphry Borlase, D.L.\*  
Sir W. Moyle, D.L.†

(Endorsed),

Dep<sup>t</sup> Lieu<sup>ts</sup> and Justices  
for  
Cornwall,  
June 1688.

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### The King's Instructions.

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That the Lord Lieutenant of the Counties of Devon and Cornwall doe call before him all the Deputy Lieutenants and Justices of the Peace within his Lieutenancy, either joynly or separately, as he shall think best, and ask them one by one the following Questions.

1. If in case he shall be Knight of the Shire, or Burgesse of a Towne, when the King shall thinke fitt to call a Parliam<sup>t</sup>, whether he will bee for taking off the Penal Laws and Tests;

2. Whether he will assist and contribute to the y<sup>e</sup> Election of such Members, as shall be for taking off the Penal Laws and Tests;

3. Whether he will support the King's Declaration for Liberty of Conscience, by liveing friendly with those of all perswasions, as subjects of the same Prince, and good Christians ought to do.

As he shall aske these Questions of all Deputy Lieutenants and Justices of the Peace, so he shall particularly write downe, what every one answers, whether he consents, refuseth, or is doubtfull.

That he likewise doe bring the King as good an account as he can of all the severall Corporations within his Lieutenancy, what persons of

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\* Humphry Borlase was M.P. for Michael borough in 1661.

† Sir Walter Moyle of Bake, knighted in 1663, was M.P. for the borough of St. Germans in Cornwall, in 1688-9.

such as are willing to comply with these measures, have credit enough of their owne to be chosen Parliament men, or may be chosen if assisted by their friends, And lastly what Catholicks and what Dissenters are fitt to be added either to the List of the Deputy Lieutenants, or to the Commission of the Peace throughout the said Lieutenancy.

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In obedience to his Majesties Commands the Lord Lieutenant of the Counties of Devon and Cornwall, did summon and call before him all the Deputy Lieutenants and Justices of the Peace within his Lieutenancy, and did separately ask them one by one the following Questions, whose names and answers are as followeth.

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### Answers.

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#### Justices of the Peace and Deputy Lieutenants of the County of Devon.

- + John Rowe Esq<sup>r</sup>, High Sheriff, consents fully to all the said three Questions.
- + Sir John Southcote also consents fully to all the said three Questions.
- + John Chichester Esq<sup>r</sup>, \* Answers the same.
- + Edward Cary Esq<sup>r</sup>, Answers the same.
- + John Beare Esq<sup>r</sup>, Answers the same.
- + Francis Risdon Esq<sup>r</sup>, the same.
- + John Berry of Berrynarbor [Berry Narbor] Esq<sup>r</sup>, the same.
- + Roger Pomeroy Esq<sup>r</sup>, † the same.

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\* John Chichester was presumably son of Sir Arthur of Raleigh, and eventually succeeded as fourth Bart.

† Roger Pomeroy of Sandridge, was M.P. for Clifton-Dartmouth-Hardness in 1685.

- + Samuel Sainthill Esqr, Answers the same.
- + Thomas Reynell Esqr, Answers, He consents conditionally to the first and second Questions, provided that the Protestant Religion be secured ; and to the third Question he consents fully.
- Dr Richard Burthogge, Consents also in the same manner to all the said three Questions, provided the Protestant Religion be secured.
- Sir William Bastard,\* Answers the same.
- + Richard Duke Esqr, the same.
- Sir Edward Seymour,† Answers doubtfull to the first and second Questions, till it be debated in Parliament, how the Religion by Law established may be otherwise secured ; And further declares to the second Question, that he will assist and contribute his utmost endeavours to the Election of such Members of Parliament, and no other but such only as he either knows or beleives to be Loyal subjects, and who will most faithfully serve his Majesty in all things, with security to our said Religion ; And consents fully to the third Question.
- Sir Courtenay Pole,‡ Answers the same, and in the same manner to all the said three Questions.
- Sir Copleston Bumpfield,§ Answers the same, (*sic*)||

\* Sir William Bastard Knt of Garston, county Devon, was M.P. for Beer-Alston in 1678-9.

† Sir Edward Seymour of Berry-Pomeroy in Devonshire, was the fourth Bart., and among his ancestors was the celebrated Protector Somerset in 1546-7. His son was created Baron Conway of Ragley, and was ancestor of the Marquis of Hertford. Sir Edward died in 1707. He sat for Totness in 1678-9, in which year he was elected Speaker of the House of Commons, and was chosen again the year following, but objected to by the King. The ludicrous particulars relating to his nomination afford such proof of the social and political state of those days that we give them as worthy of note :—[From Charles Hatton to his brother Lord Hatton, May 7, 1678.] “*S<sup>r</sup> Robert Sawyer, y<sup>e</sup> Speaker, not being judged by y<sup>e</sup> Court soe capable of serving y<sup>e</sup> King as Speaker of y<sup>e</sup> House of Commons as Mr. Seymor, it wase thought fitt y<sup>t</sup> S<sup>r</sup> Robert shou'd be sickle, and thereupon desire to be dismissed, and for his cure he was promised 3,000 ginnies. S<sup>r</sup> Robert thereupon, tho' he was very well on Sunday night, and is soe this day, yet yesterday morning he wase soe very ill, y<sup>t</sup> he desired by a letter to y<sup>e</sup> House y<sup>t</sup> they would please to dismiss him; and that w<sup>ch</sup> made it y<sup>e</sup> more comicall, he desired y<sup>e</sup> prayers of y<sup>e</sup> House, and was thereupon prayed for in the House, and after, Mr. Seymor, upon y<sup>e</sup> King's recommendation, chosen, and approved of by his Ma<sup>ts</sup>. [Hatton Correspondence, i, 160; Cam. Soc.]*

‡ Sir Courtenay Pole, second Bart of Shute, county Devon, was M.P. for Honiton in 1661, and ancestor of Sir John the present baronet. He died in 1695.

§ Sir Copleston Bamfylde, second Bart of Poltimore in Devonshire, represented the county in 1670 and 1685, and ob. 1691. The sixth Bart was created Lord Poltimore.

|| Erased in the Original.

- Sir John Fowell,\* the same.  
 Sir Peter Prideaux,† the same.  
 Sir Bourchier Wrey,‡ the same.  
 — Sir Nicholas Slanning,§ the same.  
 Sir John Rolle, the same.  
 — Sir William Wallrond, the same.  
 — Samuel Rolle Esq<sup>r</sup>, the same.  
 Hugh Bampfield Esq<sup>r</sup>, the same.  
 Jonathan Prideaux Esq<sup>r</sup>,|| the same.  
 + Richard Strode Esq<sup>r</sup>, the same.  
 William Cary Esq<sup>r</sup>,\*\* the same.  
 + John Copleston Esq<sup>r</sup>, the same.  
 John Gifford Esq<sup>r</sup>, the same.  
 Rowland Whiddon Esq<sup>r</sup>, the same.  
 Arthur Tremayne Esq<sup>r</sup>, the same.  
 Gideon Hayden Esq<sup>r</sup>, the same.  
 — John Quicke Esq<sup>r</sup>, the same.  
 Charles Kelland Esq<sup>r</sup>,†† the same.  
 Gilbert Yard Esq<sup>r</sup>, the same.  
 John Sandford Esq<sup>r</sup>, the same.  
 — John Northcote Esq<sup>r</sup>,†† the same.  
 — Richard Duck Esq<sup>r</sup>, the same.  
 Sebastian Isaack Esq<sup>r</sup>, the same.  
 Sir Arthur Northcott,§§ the same, dead (*sic*),  
 Sir Ames Pollard, the same.  
 Sir John Davy,|| || the same.

\* Sir John Fowell, third Bart of Fowelscombe in Devon, M.P. for Totness in 1689-90, was ancestor of the present John Digby Fowell.

† Sir Peter Prideaux succeeded as third Bart in 1682, and married the sister of John, Earl of Bath. He sat for St. Mawes in 1685.

‡ Sir Bourchier Wrey, Knight of the Bath, fourth Bart of Tavistock, in Devonshire, was M.P. for the county in 1685, and for Liskeard in 1688-9.

§ Sir Nicholas Slanning of Maristow in Devon, Knight of the Bath, was created a Bart. in 1662, and sat for Penryn in 1680 and 1685. He married a daughter of Sir George Carteret.

|| Jonathan Prideaux was M.P. for Callington in 1689-90.

\*\* William Cary, M.P. for Okehampton in 1689-90.

†† Charles Kelland, M.P. for Totness in 1680-1. [C. O. L.]

†† John Northcote was apparently brother of Sir Arthur Northcote, and son of the first Bart.

§§ Sir Arthur Northcote, second Bart of Hayne, county Devon, died in 1687-8.

|| || Sir John Davy Bart., sat for Saltash in Cornwall in 1680-1. [C. O. L.]

- Sir Hugh Ackland,\* the same.
  - Sir William Drake,† the same.
  - + Sir Simon Leach,‡ the same.
  - Sir Thomas Berry, the same.
  - Francis Bassett Esqr, the same.  
John Pole Esqr, the same.  
John Drew Esqr, the same.
  - Peter Fortescue Esqr, the same.
  - + W<sup>m</sup> Savery Esqr, the same.
  - Richard Coffin Esqr, the same.  
Edward Lovett Esqr, the same.
  - Henry Northleigh Esqr,§ the same.  
Rawlin Mallacke Esqr,|| the same.
  - + Thomas Hole Esqr, the same.  
John Kelland Esqr,\*\* the same.
  - Thomas Wood Esqr, the same.
  - William Bragg Esqr, the same.
  - John Courtenay Esqr, the same  
Nicholas Martyn Esqr, the same.  
John Bluett Esqr, the same.  
Henry Fry Esqr, the same.
- 

The names of those who were absent.

- |                       |                         |
|-----------------------|-------------------------|
| + Sir Walter Blunt,   | Sir John Briscoe,       |
| — John Ashford Esqr,  | Arthur Ackland Esqr,    |
| John Radford Esqr,    | — Hugh Stafford Esqr,   |
| William Coleman Esqr, | — John Hutchinson Esqr. |
- 

\* Sir Hugh Acland was M.P. for Barnstaple in 1678, and apparently the fifth Bart. The same, (or his grandson Sir Hugh, the sixth Bart.,) represented Tiverton in 1685.

† Sir William Drake, Knt. and Bart., was M.P. for Honiton in 1689-90.

‡ Sir Simon Leach (or Leech), Knight of the Bath, sat for Okehampton in 1685.

§ Henry Northleigh sat for Okehampton in Devon in 1688-89.

|| Rawlyn Mallack was M.P. for Totness in 1688-9. [C. O. L.]

\*\* John Kelland was M.P. for Totness in 1678-9, and in 1680-1 [C. O. L.]

The names of severall Gentlemen of good Estates and Quality formerly out of Commission in this County, and not at present in his Majesties Service.

- Sir William Courtenay Barron<sup>t</sup>,\*      Henry Fry Esqr,  
Francis Courtenay Esquire,†      Jonathan Ellford Esqr,  
Sir William Morice Barron<sup>t</sup>,‡      + Sir Walter Young Barron<sup>t</sup>,§  
Arthur Fortescue Esqr,  
— Josias Calmady Esqr,  
William Morice Esqr,\*\*      Francis Fulford Esqr,  
William Harris Esqr,||  
William Morice Esqr,\*\*\*      Edward Fortescue Esqr.
- 

Justices of the Peace and Deputy Lieutenants of the County of Cornwall.

- + Humphrey Borlase Esqr, High Sheriffe, consents fully to all the said three Questions.
- + Sir John Arundell, Absent.
- + Sir William Godolphin,†† Absent.  
Sir Peter Killeghew, Absent.

Sir John Carew.||| Answers doubtfull to the first and second Questions, till it be debated in Parliament how the Religion established by Law may be otherwise secured, And further declares to the second Question, that he will assist and contribute his utmost endeavours to the Election of such Members of Parliament, and no other, but such only as he either knows or beleives to be Loyall subjects, and who will most faithfully serve his Majesty in all things, with security

\* Sir William Courtenay of Powderham Castle, in Devonshire was M.P. for the county in 1680-1. He was created a Bart. by Charles I., a title he considered it derogatory to assume. Descended himself from a long line of ancestors, he was progenitor of the present Earls of Devon.

† Francis Courtenay was M.P. for the county of Devon in the Convention Parliament of 1688-9.

‡ Sir William Morice of Werrington, was created a Bart. by Charles II., and married daughter of Sir John Bampfylde, first Bart. of Poltimore.

§ Sir Walter Young (or Yonge) of Culleton (Colyton, or Coliton), succeeded as third Bart. in 1670, and ob. 1731, having been M.P. for Honiton in 1678-9, and 1680.

|| William Harris of Hayne, county Devon, was M.P. for St. Ives in 1689-90.

\*\* William Morice was M.P. for Newport in Cornwall in 1685, and son of Sir William Morice Bart. of Werrington, and died *in vita patris*.

†† Sir William Godolphin was created a Bart. in 1661, and ob. 1710. His estates were devised to his nephew, the second Earl of Godolphin.

||| Sir John Carew, third Bart. of East Anthony in Cornwall; sat for Bodmin in 1661, and for Lostwithiel in 1678-9, and in 1680-81. Ob. 1692.

- to our said Religion ; And consents fully to the third Question.  
 Sir John Coryton,\* answers the same.  
 Sir Richard Edgecumbe,† the same (sic).  
 Sir John Molesworth, the same.  
 Charles Trevanion Esqr,‡ the same.  
 John Prideaux Esqr, the same.  
 William Godolphin Esqr, the same.  
 William Scawen Esqr, the same.  
 Thomas Darrell Esqr, the same.  
 John Nicholls Esqr, the same.  
 Christopher Bellot Esqr, the same.  
 John Waddon Esqr, the same.  
 Joseph Sawle Esqr, the same.  
 Walter Kendall Esqr,§ the same.  
 Humphry Courteney Esqr,|| the same.  
 William Arscott Esqr, the same.  
 + Colonell Charles Trelawney,\*\* absent.  
 + Cap<sup>t</sup> Henry Trelawney,†† absent.  
 + Cap<sup>t</sup> Francis Godolphin, absent.  
 + Cap<sup>t</sup> Sidney Godolphin, absent.  
 + Cap<sup>t</sup> John Arundell, absent.  
 + Nicholas Courtenay Esqr,‡‡ Absent, Councillors at Law under the  
 + William Coryton Esqr,§§ Lord Chancellors Examination.

\* Sir John Coryton, of Newton in Cornwall, the second Bart., and was M.P. for Callington in 1685, 1688-9, and 1689-90.

† Knight of the Bath, was M.P. for Cornwall in 1678-9.

‡ Charles Trevanion of Carhays, was M.P. for Tregony in 1680-81 and 1685.

§ Walter Kendall of Pelyn, county Cornwall, was M.P. for Lostwithiel in 1678-9. Another of this family was James Kendall of Killigarth in Cornwall ; M.P. for West Looe, alias Portbyhan, in 1685, and again in 1688-9. He was a Captain in the army, and voting against the Government was removed in consequence, although he had been sent to Parliament in obedience to a Royal mandate (as Macaulay observes) "by a packed Corporation" in Cornwall. [Cf. Macaulay i. 542; and Bramston Memoirs, p. 200.]

|| Humphrey Courtenay was M.P. for Michael borough in 1688-9, and 1689-90.

\*\* Charles Trelawney, was probably M.P. for East Looe in Cornwall in 1685, returned at the time as of Hengar in Cornwall.

†† Henry Trelawney was apparently of Efford, county Devon, and M.P. for West Looe in 1685, and for East Looe in 1688-9.

‡‡ Nicholas Courtenay of the Inner Temple was M.P. for Camelford in 1685.

§§ William Coryton, second son of Sir John Coryton first Bart., was M.P. for Callington in 1680, and succeeded his brother as third Bart. He sat also in 1678-9 for Bossiney Trevena.

**The Names of the Gentlemen of this County, Roman Catho-  
lics and Dissenters, formerly out of Commission.**

|                                  |                         |
|----------------------------------|-------------------------|
| Sir John Arundell,               | John Buller Esqr,*      |
| Sir Walter Moyle,                | Edward Hearle Esqr,     |
| Hugh Boscawen Esqr, <sup>†</sup> | James Erisey Esqr,      |
| Humphrey Borelase Esqr,          | William Harris Esqr,;   |
| Peter Trevillian Esqr,           | Humphrey Nicholls Esqr, |
| Arthur Fortescue Esqr,           | Robert Rouse Esqr,      |
| Daniell Elliott Esqr,            | Edward Nosworthy Esqr.  |

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**Corporations and Burroughs in Cornwall.**

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LANCESTON,      The Mayor and Corporation promise to elect two such Members for the ensuing Parliament, as their present Recorder shall recommend, or approve of, provided they are of the Protestant Religion, and their Countrymen.

LOSTWITHIELL, promises the same.

CAMBLEDOWN, promises the same.

TRURO, promises the same.

GRAMPOUND, promises the same.

LISKEARD, promises the same.

BOSSEY, promises the same.

FOWAY, promises the same.

SALTASH, promises the same.

ST. IVES, promises the same.

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\* John Buller of Morval, was M.P. for the borough of Liskeard in 1678-9, and 1688-9.

† Hugh Boscawen of Tregothnan, sat for Tregony in 1680, with Charles Trevanion of Carhays, and would appear to be Hugh, who was created Viscount Falmouth, or Hugh (his uncle) of the previous generation.

; William Harris of Hayne, county Devon, sat for St. Ives in 1689-90.

|                             |                                                                                          |
|-----------------------------|------------------------------------------------------------------------------------------|
| PENRYN,                     | promises the same.                                                                       |
| BODMYN,                     | The chief Interest in that Corporation is in the Earle of Radnor and his uncle.          |
| HELSTON,                    | Intirely at the devotion of Sir William Godolphin and Lord Godolphin.                    |
| WESTLOW<br>and<br>EASTLOW,  | { Intirely at the devotion of the Lord Bishop of Bristoll.                               |
| TREGONY,                    | The chief Interest there is in Hugh Boscowen (sic) Esqr, and Charles Trevanion Esqr.     |
| KELLINGTON,<br>[Callington] | At the devotion of Samuel Rolle Esqr, and Sir John Coryton.*                             |
| ST. GERMAN'S,               | A Burrough of prescription, without a Charter, at the devotion of Daniell Elliott Esqr.† |
| ST. MICHAELL,               | At the devotion of Sir John Arundell of Trerise [Trerice.]                               |
| NEWPORT,                    | A Burrough of prescription ; declare they will choose their old members.                 |
| ST. MAWS,                   | A Burrough of prescription, intirely at the devotion of Sir Joseph Tredenham.‡           |

### Corporations and Burroughs in Devonshire.

|           |                                                                                                                                                                                                                                    |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PLYMOUTH, | The Maior and Corporation promise to elect their two old members for the next Parliament, or two such other Members as their present Recorder shall recommend, provided they are of the protestant Religion, and their Countrymen. |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

\* Sir John Coryton of West Newton in Cornwall, second Bart., succeeded his father Sir John in 1679-80, who was M.P. for Launceston in 1679, and died the same year.

† Daniel Eliot of Port Eliot, represented the borough of St. Germans in 1685 and 1688-9. [C. O. L.]

‡ Sir Joseph Tredenham, Kt. of Tregonan (Tregonnon), was M.P. for Grampound in 1685. He died in 1707, and was buried in Westminster Abbey [Le Neve.]

|                                                                            |                                                                                                                                                                      |
|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PLYMPTON,</b>                                                           | promises the same.                                                                                                                                                   |
| <b>EXETER,</b>                                                             | The chief Interest in that City is in the Bishop, Dean and Chapter, and theere Tennants, and other Church of England men, notwithstanding the late Regulation there. |
| <b>TAVISTOCK,</b>                                                          | The Maior and Corporation there are intirely at the devotion of S <sup>r</sup> James Butler* their Recorder, and whom he shall nominate.                             |
| <b>OKEHAMPTON,</b>                                                         | declare they will choose their old Members.                                                                                                                          |
| <b>BARNESTABLE,</b>                                                        | declare the same.                                                                                                                                                    |
| <b>BEAREALSTON</b><br>[ <i>Bee Alston</i> ],                               | A Burrough by prescription, at the devotion of Serj <sup>t</sup> Maynard,† and S <sup>r</sup> ff Francis Drake.‡                                                     |
| <b>ASHBURTON,</b>                                                          | A Burrough by prescription, where severall neighbouring Gentlemen have Interest.                                                                                     |
| <b>TOTNES,</b><br><b>TIVERTON,</b><br><b>DARTMOUTH,</b><br><b>HONITON.</b> | Very considerable Townes, who are all at present in great disorder and distraction about their new Regulations.                                                      |

(Endorsed),

An Account of the  
Deputy Lieutenants and  
Justices of the Peace, and Corporations  
of Devonshire and Cornwall. June 1688.

[Rawl. MS. A 139, ff 221 seq.]

\* Sir James Butler Kt., of Lincoln's Inn, was M.P. for Tavistock in 1685. He was knighted in 1671, and was Master of St. Catherine's Hospital.

† Serjeant Maynard must be the well-known Sir John Maynard of Gonorsbury [Gunnersbury] near Ealing, Serjeant-at-Law. He sat for Plymouth, of which he was Recorder, in the Convention Parliament of 1688-9, and was First Lord Commissioner of the Great Seal in 1690, in which year he died.

‡ Sir Francis Drake Bart.; M.P. for Tavistock in 1688-9.



**E**ssex.



# Penal Laws and Test Act;

PROPOSED REPEAL OF THE SAME IN 1687-8;

*In respect of the Deputy Lieutenants and Magistrates of Essex.*

[From the Original Documents in the Bodleian Library.]

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THE Lord Lieutenant of the county of Essex had been up to the time of these canvassing proceedings of James the Second, Aubrey de Vere, twentieth and last Earl of Oxford of that creation, a Knight of the Garter, and a large landed proprietor in the county, though his estates were somewhat encumbered. He was also Colonel of the regiment now known as the Horse Guards Blue ; an appointment to him, therefore, of pecuniary consideration.

As early as January and February 1686, the King, with a view to his next Parliament, and in pursuance of his object, had already begun to sound every one with whom he came in contact, either by personal conference, or by those he could trust, as to their sentiments on his proposed abrogation of the Test and Penal Statutes, or "Sanguinary Laws," as termed by him.\* Sir John Bramston's "Memoirs," which for the county now under notice bear the same relative value, which those of Reresby afford for Yorkshire, state that "He lost no opportunity of speaking with every one on the matter, as they came in his sight," and for this purpose "had lists of all the Nobility and of the Commons in Parliament." The terms on which

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\* Bramston, Autobiography, p. 268. Cam. Soc.

those in office might alone expect to retain, or aspirers thereto, might hope to gain employment, were a concurrence and consent to take away all laws which excluded Catholics from Government offices. Bramston observes "the sitting or dissolution of the then Parliament rested entirely on the King having a majority to support his views," and in the event of a reverse, "a new one shall be chosen of Papists or Fanaticks together, who being punished, though not equally, by the Laws against Dissenters, it is not doubted but they will comply for the present ease."\*

He had with this view summoned to the Royal closet the Duke of Ormonde, the Duke of Hamilton, Lord Maynard, Sir Thomas Dyke, and innumerable others, and it would seem that those who begged to be excused from complying, or promising their votes for the abolition of laws made for the preservation of their religion, on the score of "Conscience," were, as a rule, met with the same remark from the King. To Lord Maynard the King said,—"There is no matter of conscience in it," to which he replied, "No Sir? Is not conscience concerned in the defence of religion? I pray, if the Test alone be gone, what hinders but you may bringe whome you please, and as many as you thincke fitt into the House of Lords, and so having the majority you may make what laws you please, even against the established religion." To this the King made no reply, but told his Lordship to think over it, and speak with him again.†

The same scene as related by Bramston,‡ occurred in the case of Sir Thomas Dyke, then in Parliament for Sussex. Pressed

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\* Bramston, Autobiography, pp. 299, 267.

† In quoting passages from these Memoirs, it should be borne in mind, that in respect of local considerations affecting this county, Sir John Bramston was himself an Essex proprietor, and what he asserts with reference to his own county is likely to have had greater interest for him, and therefore carry with it more weight and authenticity. In these instances of Sir Thomas Dyke and Lord Maynard, the very words used at their respective audiences were imparted probably to Bramston by themselves.

‡ Autobiography, p. 269. Cam. Soc.

"hard and closely by the King," he desired to be excused from promising his vote, "which he could not in conscience performe." "Why, said his Majestie, there is nothing of conscience in the case ; I have promised to mainteine the Church of England, and so I will if they will gratifie me in this thing, and trust to me ; but otherwise, this beinge the only thinge they can gratifie me in, *I will take other courses.*"\* "Sir Thomas seemed trubled (*sic*) at those words, and hoped he should never see him *use force*, saying he was sure those of the Church of England would never make resistance, or rebel against his Majesty." The King told him, as he had done to Lord Maynard, to consider and think over the matter, and speak with him again.†

We shall have occasion in the closing Returns of this Collection to allude more particularly to James's firmness of purpose, but this admission of the King, taken in connection with what transpired on other occasions, is very significant, and indicates his resolution to use those measures of force, which have been justly attributed to him.

The King now summoned for a like purpose to the Royal presence the Lord Lieutenant of Essex, well known for his fidelity and attachment to the Throne,‡ and for his day unusually open and plain spoken, and interrogated him as to his intentions in respect of the Questions to be put by him to the Magistracy

\* Sir Thomas Dyke was Knight of the Shire for Sussex in 1685, and occurs in the Sussex Returns.

† "The truth is," adds Bramston, "Sir Thomas Dyke was newly come to towne, and went with a petition to his Majesty in behalfe of himself and his kinsman, Mr. Dyke of Frant, and the King seeing him bid him stay a while, [*when*] he would speake with him. Sir Thomas not guessing what the matter was, haveinge heard nothinge of the King's designe, so he was surprised ; but it had been sayd by many that the King would trye every individuall man of both the Houses, which prepared some that knew the matter, to give answers. [Autobiography, p. 269. Cam. Soc.]

‡ At a time a party was formed to exclude the Duke of York from the Throne, Lord Oxford was asked by Sir Thomas Armstrong to use his influence with Charles II. to alter the succession in favour of the Duke of Monmouth, for participating with whom in the Rye House Plot he was executed at Tyburn. The Earl, "calling him f—," said, "Do you think that I who have ever been loyal, will now be false," and made known the design to the King. [Hist. MSS. Com. vii, 472.]

of his county :—"Sir," answered Lord Oxford, "I will stand by your Majesty against all enemies to the last drop of my blood, but this is a matter of Conscience, and I can not comply."\* Reresby, who styles him, "the first of his dignity in the Realm," gives his reply to much the same effect :—"That he could not persuade others to that, which in his own Conscience he was averse to."

His immediate removal necessarily resulted, and the Lieutenantcy of the county was entrusted to Lord Petre, a Roman Catholic nobleman of opposite religious convictions, and uninfluenced by the same scruples ;† whilst the Colonelcy of his

\* Macaulay, Hist. of England, ii.

5/ † The founder of the Petre family was Sir William Petre, one of the Visitors of the Monasteries in 1635, who became Secretary of State in 1543. The Lord Lieutenant under notice was Thomas, sixth Baron Petre of Writtle, who succeeded his brothers (the fourth and fifth Barons) in 1684, and died in 1707. He was accused by Titus Oates in his pretended plot, as one who was to have been "Leutenant-General of the Armie" [Bramston's Memoirs, p. 179], and was therefore committed to the Tower.

The following interesting particulars are given by Sir John Bramston in his "Autobiography" as to Lord Petre's entrance into office, and his ultimate suspension from the same :—

"The Lord Petre, as Lord Lieutenant, by the King's command, visited the country, as well as the Corporations. He carried divers gentlemen with him in his circuit, and at Colchester severall besides his Lordship had the freedom of the towne, and amongst others, one Mumford, an innkeeper at Ingatestone, but my Lord's great friend. At Malden his Lordship had the freedom, but it was refused to the rest. In several parts of the country he proposed to the Deputies and Justices the three questions. I not being in the country, his Lordship came to my house in Greek Street, where I then and yet dwell, but I not being at home, he sent a letter to me to mee him at the Ship, in Grace Street, the next day April 4th, 1688, at 4 of the clock afternoone. I found there his Lordship, Mr. John Petre of Writtle Park, Mr. Feilding, who had dined there with his Lordship, and Sir Walter Clergies (who came as sent for, as I was, and on the same occasion.) He went away so soone as I came into the roome. After a while his Lordship told me the Kinge had put an imployment upon him he was in no way fit for; but his Majesty had commanded, and he must obey, and by his Majesties order he was to propose to me Three Questions. [*Here follow verbatim the questions so often mentioned.*] Unto the two first I sayd I could not preingage; to the third I sayd I would always pay all Duty and obedience to the King, and endeavour what in me lieth to live peaceably with all men. Mr. Petre, of the Park, who acted the part of Secretary to my Lord in all the procedure of this matter, set downe my answer 'I would live peaceably with my neighbors of all persuasions,' which I sayd were not my words, tho' much to my sence;" [p. 316.]

Shortly before the landing of the Prince of Orange, we learn from the same Memoirs that the Lord Lieutenant of Essex wrote to all his Deputies as follows :—"Sir, Whereas I have received an order from his Majesty to raise some part of the Militia for the security of the country; these are to desire you (with the rest of the Deputy Lieutenants), to meet me at Chelmsford on Munday next, at the Cock, by ten of the

regiment was committed to the young Duke of Berwick,\* not long since returned from his first military campaign with the Imperial troops in Hungary, and whom the King had also just appointed to the Lieutenancy of Hampshire in the room of the Earl of Gainsborough.

These several nominations, however, were destined to have but short duration, for no sooner was it apparent to the King that William of Holland was about to effect a landing in the kingdom, and immediate steps were to be taken to put the country into a state of defence, more especially as regarded the Militia, than fully alive to all his past acts of impolicy and misrule, he condescended to undo all that he had done, he removed in many, if not in all, instances his Catholic Lieutenants, amongst whom Lord Petre from the county of Essex, the Duke of Berwick from Hampshire, and Lord Stawell from Somersetshire ; he ordered the deputy lieutenants and magistrates, so lately removed for their answers on the Penal Statutes, to be forthwith reappointed, and actually solicited the advice of those very Bishopst he had only a few months previously so unwarrantably persecuted and tried for sedition. In Essex the public functionaries, under these circumstances, refused to take fresh com-

clock, in order to receive your deputations. Not doubtinge of your concurrence, in this apparent dainger of an invasion, I am, Sir, yours

Ingatestone, October 9th, 1688.

PETRE.

A line or two in answer will oblige me."

"This was sent to Screenes, and my son sent it to me at Greek St<sup>t</sup>, and I received it 13th following; to which the same night, by the post, I gave this answer:—My Lord, I make hast to prevent your Lordship's expectation of me at Chelmsford on Munday next, your Lordship's summons ariving here but late this Evening.

Your Lordship's most humble servant

Greece St<sup>t</sup>, 13th October. 1688.

JOHN BRAMSTON.

The same night, about 9 of clock, came Mr. Woodcock, the Under Sheriff, who is also Clerk of the Peace. He told me he had a *dedimus* to give me the oath of a justice of the peace, I being put in againe, and was opening the paper, but I answered, I was old, and out of the countie, and found much quiet by the ease his Majesty had given me, and should not truble myselfe any more in that kind. I ask't whom he had sworn, and who else were put in. He sayd, 'all that were put out, but he had been with none ; he came from the Lord Chancellor's directly to me,' " [p. 325.]

\* See Hampshire Returns.

† Macaulay ; Lingard ; Hume.

missions under Lord Petre, as not qualified, and the Earl of Oxford was reinstated as Lord Lieutenant of the county.\* The truth was the country was so hostile to the King's previous appointments, that men whom he had summarily removed, and wished in that emergency to restore, would not act under his Catholic Lieutenants. This extraordinary measure of restoring functionaries so unconstitutionally suspended, and only recently removed from office, with his re-appointment of Protestant High Sheriffs in every county,<sup>†</sup> was perhaps the crowning act of his misguided reign. Apart from the suspicious light in which this line of conduct was uniformly viewed, and its total want of sincerity, it may be observed as to another faulty step taken at this crisis, that the general defection among those of position

\* Sir John Bramston gives some interesting particulars of this event :—" The Earl of Oxford hearing I was in town, desired to speak with me. When I came to him, he shewed me his Instructions in paper, signed by the Kinge at top, and Sunderland underneath. He desired me, (companie being with him), to take home the paper, and advise him what he was to doe. When I had perused it, I wayted on him again, and told him that was no Commission, but instructions directed to him as Lord Lieutenant; and I supposed he had a Commission in parchment, and under the Great Seale, for so it ought to be, nor could he make Deputies without such commission, for a copie of his ought to be annexed to every deputation. He sayd he had formerly such an one, but he had not now. I sayd, I suppose the King either supposed he was restored by his order, or intended him a new one; and for the present he might call the gentlemen together, and advise what was to be done, pursuant to the instructions; but first he was to have the names of the Deputy Lieutenants. . . . Thereupon I drew a copie of a letter for every deputy to meet him at Chelmsford. I told him he would find the militia very much out of order, the officers dead or unwilling to act; and that I was sorrie he had taken the office of Lieutenant upon him, without being restored to his regiment of Guards, and consulting with the gentlemen of the country. He sayd, he had refused at first, but he had been advised to accept it, his [*pecuniary*] circumstances considered. I told him he would find gentlemen not forward to take commands; some would thinke one kick of the breech enough for a gentleman. He sayd, We had been all ill used, and he believed, *this turne served, we shall be set aside again*; but let us take our fortune together. I sayd, The gentlemen I believed would rather take commands under his Lordship than any Lord in the country; for my own part, I was very old, and I was settled in towne in a house, and could not take any such command upon me; which I found trubled him; but he sayd, he hoped I would go down with him; I should go down in his coach. To which I made no replye; it was just at our parting. Several gentlemen of the county came yeasterday to advise,—Sir Thomas Fanshaw, Sir William Holecroft, and Mr. William Peck,—being all unwilling to act, and therefore would advise whether to meet or not, being trubled that the Earl had taken upon him the Lieutenancie. But I telling them at the next meetinge nothinge would be done, for I thought my Lord had no commission yet, and so they could have no deputations, they resolved to meet him." [Memoirs, p. 325.]

† Memoirs, p. 331.

and consideration, with the disaffection in the ranks of his army, for there was not a regiment on which he could thoroughly rely, may have rendered a conflict with William of Orange imprudent and questionable, but for his reputation it would have been better to have staked his fortunes on the issue of a battle, however doubtful, and remained at his post to the last.

As in all other counties of England and Wales, the Questions propounded through Lord Sunderland to the magistrates of Essex were coldly received, and responded to in no less adverse spirit. This county, since its long-since-forgotten participation in Wat Tyler's insurrection in by-gone days,\* had always been foremost in its loyalty to the Throne, of which many instances might be adduced, temp. Elizabeth and Charles I., and shown itself zealous in support of Church and State, as then understood, and the Conservative doctrine of their inseparability, but King James's unconstitutional measures were so entirely subversive of the one, and tended so palpably in the eyes of all rational people to the overthrow of the other, that the course it adopted was quite in unison with its traditions. Indeed, up to the present day, (a period no less critical for the country than that of which we are now treating), and from time immemorial, the county has maintained a Conservative name, and its reputation on this score was not affected by its acts on that occasion, for the magistrates and freeholders were nearly unanimous in their resolve to return to Parliament no others but staunch supporters of the established religion of the kingdom.

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\* This rebellion in 1381 was very remarkable both from its success at the beginning, and its subsequent and sudden collapse, and, singularly enough, may be compared in most, if not all its objects, to the Fenian and Communistic projects of the present time.

**The Lord Lieutenant's Return.**

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**Answers.**

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The Answers of the Deputy Lieutenants and Justices of the Peace for the county of Essex, as they have beene separately examined to the three following Questions.

1. If in case he shall be chosen Knight of the Shire or Burgess of a Towne, when the King shall think fitt to call a Parliament, whether he will be for taking off the Penal Laws and the Tests.
  2. Whether he will assist or contribute to the Election of such Members, as shall be for taking off the Penal Laws and Tests.
  3. Whether he will support the King's Declaration for Liberty of Conscience by liveing ffriendly with those of all Perswasions, as subjects of the same Prince, and good Christians ought to doe.
- 

**WILLIAM PERT,\***

To the first, Answeres that he shall not be a Parliament man, for neither County nor Burrough.

To the second Question, that he can neither doe it in hono<sup>r</sup> nor conscience.

To the third, that he always did live peaceably and would do soe.

**ALEXANDER PRESTCOT,†**

To the first Question, Answeres that he shall not stand for a Parliam<sup>t</sup> man.

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\* This justice was presumably William Pert (or Peart) of Arnolds-hall, Mountnes-sing; and son of Henry Pert. This family, (according to Morant), came from Yorkshire, of which was William Peart who died seized of Arnolds-hall in 1616; and William Pert of Alvethley [*Aveley?*] and Noak in Wennington.

† Probably of Radwinter in Essex.

To the second, that it is not according to his judgment and conscience to repeale the Test.

With the third he complyes.

John Wroth,\*  
 Robert Bateman,  
 Henry Ayloff,†  
 Samuel Hare,  
 S<sup>r</sup> Thomas Fanshaw,‡  
 S<sup>r</sup> Anthony Abdy,§  
 S<sup>r</sup> Richard Everard,||  
 John Meade,  
 William Pert.

All these to the two first  
 Questions answere in the  
 Negative.  
 To the 3<sup>d</sup>: in the Affirma-  
 tive.

+ S<sup>r</sup> ANTHONY BROWN,\*\*

Declares that he thinks there is no good subject but ought to comply with all the three Questions, which he himself does heartily.

+ S<sup>r</sup> WILLIAM APPLETON,††

To the ffirrst, that he does not intend to stand for a Member of Parliam-  
 ent.

To the second, that if the King and Parliam<sup>t</sup>: thinke itt fitt, he should be very well satifsfyed that the Test and Penall Laws were taken off.

As for liveing peaceably w<sup>th</sup> his neighbours he alwayes did, and ever would doe soe.

\* John Wroth represented the county of Essex in the Convention Parliament of 1688-9.

† This was doubtless Henry, third son of Sir Benjamin Ayloff, second Bart., by his second wife, daughter of Thomas Fanshawe, Remembrancer of the Exchequer. It was this Henry's son, the Revd. John Ayloff of Stanford Rivers in Essex, who eventually became the fifth Baronet. The sixth and last Baronet was Sir Joseph Ayloff, F.R.S., well known for his work "Calendars of Ancient Charters." The family was of Hornchurch and Braxted in Essex up to 1614.

‡ Sir Thomas Fanshawe Knt., of Jenkins (or Dagenham) in Essex. He sat for the county in 1685.

§ Sir Anthony Abdy succeeded his father Sir Thomas (created 1641) in 1645. He was of Fillois or Filliols-hall, Kelvedon in Essex, and ob. 1704.

|| Sir Richard Everard fourth Bart., was at one time Governor of North Carolina. The family was of Much Waltham, Great Baddow, and Wrotham, in Essex.

\*\* These names have a "cross" affixed to them in the Original, doubtless as those on whom the King could rely.

\*\* Sir Anthony Browne of Weald Hall.

†† Sir William Appleton of South Bemflete in Essex, fifth Baronet; ob. 1705.

S<sup>r</sup> EDWARD SMITH,

Replies to the first question, that he hopes his infirmity will excuse him from standing for a Parliam<sup>t</sup> man, and for the same reason has refused itt formerly.

To the second, that he hopes he shall manifest himselfe such an obedient subject, as never to dislike any Lawe that is made by King, Lords, and Commons, whilst it remains a Lawe.

With the third Question, he complyes.

## JOHN SYMONDS,

That he hath noe purpose or thought of standing for Knight of the Shire or Burgessse of any Burrough, and does not think itt will be convenient to take off the Penal Laws and Tests, but does wholly leave the considera'con thereof to the wisdom of a Parliament, whenever his Majesty shall thinke fitt to call one.

To the second Question, that he knows not any man who is probably quallified for such an employm<sup>t</sup>, that will consent to take off the Penal Laws and Tests, therefore cañot make any p'mise on such account.

To the third, that he is noe ways displeased at his Majesties Declaration for Liberty of Conscience. That he ever did and ever should endeavour to live friendly and peaceably w<sup>th</sup> men of all perswasions in matters of Religion, and should show himselfe a good subiect to the King, and approve himselfe a good Christian.

S<sup>r</sup> JOHN MARSHALL,

To the first sayes that he does not designe to stand for a Member of Parliam<sup>t</sup>, and as to the Tests and Penall Laws he looks upon them as y<sup>e</sup> security of their Religion.

To the second, that he will assist and contribute to the electing of any good man.

To the third, he answeres in the Affirmative.

S<sup>r</sup> THOMAS DARCY,\*

To the first, y<sup>t</sup> he does not designe to stand for a Member of Parliam<sup>t</sup>.

\* Sir Thomas Darcy, second and last Baronet of Tiptree and St. Osith's in Essex; ob. 1698. His father's first wife was daughter of Sir Symonds Dewes Kt., the well known antiquary. He was M.P. for Maldon Borough in 1679, 1680, 1685, and in the Convention Parliament of 1688-9.

To the second, that he cannot promise to give his vote for such.  
 With the third he complyes.

**S<sup>r</sup> SAMUEL HUSBANDS,\***

To the ffirst, declares that he looks upon the Test and Penall Laws to be the p'sent security of their Religion, and if he were a Member of the House, hee should not propose any other expedient that might bee for the security of the same in the roome of y<sup>e</sup> present.

To the second, that he will be alwayes assistant to choose a man of known Loyalty and Integrity for the Kings service.

To the third, that he shall never trouble any body for Religions sake.

**WILLIAM LINGWOOD,†**

That he intends not to bee a Member of Parliam<sup>t</sup>.

To the second, that he knows not how to answer for any man.

With the third he complyes.

**S<sup>r</sup> WILLIAM HOLCROFT,‡**

Will not stand for a Member of Parliam<sup>t</sup>.

To the second that he is not fitt, by reason of his distemper to appeare at any Elecc'on.

To the third he answeres in the Affirmative.

The Persons following are all Romaine Catholique Justices.

- + S<sup>r</sup> Roger Martin,§
- + S<sup>r</sup> Edward Southcot,
- + ffrauncis Daniell,
- + Jn<sup>o</sup> Petre of ffithelars|| [Fidlers],

All these unanimously  
comply with all the three  
Questions.

\* Sir Samuel Husbands of Shalford Hall, in Essex Knt., was the eldest son of James Husbands of Wormbridge in Herefordshire. He was knighted (according to Morant) in 1684, and retired to Barbadoes, where he died.

† William Lingwood was of Stisted Hall, Braintree in Essex; ob. 1699 (Morant).

‡ Sir William Holecroft. [See foot-note, p. 390.]

§ Sir Roger Martin of Long Melford, was created a Baronet in 1667. His son was Sir Mordaunt Martin.

|| The Hon<sup>ble</sup> John Petre, was fourth son of William, second Lord Petre, by daughter of Earl of Worcester. He was of Fithelers, or Vithelers, alias Fidler's; ob. 1690, and is buried at Writtle (Morant). [See foot-note, p. 388.]

- + Phillip Waldegrave,
- + Jn<sup>o</sup> Petre of Writtle Parke,\*
- + John Wright,
- + Robert Prujean.†

**RALPH CRAFIELD,**

Answeres to the two first Questions, that as to the taking off the Penall Laws and Tests, he leaves itt to the Parliament.

To the Third that he will comply.

**S<sup>r</sup> MARTIN LUMLEY,‡**

Designes not to stand for a Member of Parliament.

To the Second, that he shall endeavour to give his vote for some honest loyall man.

To the third, that he alwayes loved Peace and quietness.

**S<sup>r</sup> THOMAS MIDDLETON,§**

Is resolved not to stand for Parliam<sup>t</sup> man.

To the second, that hee will give his vote for y<sup>e</sup> Church of England men.

To the third, that hee will live peaceably.

**RICHARD BARRET,**

To the two first Questions, Answeres that his condic'on is such, as renders him incapable either of serving as a Member of Parliam<sup>t</sup>, or being assisting in any Elecc'on.

To the third, that with living friendly with those of all p'swasions, he should ever comply.

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\* John Petre of Writtle, apparently eldest son and heir of the foregoing John Petre of Fidlers. [See foot note, p. 388.]

† Robert Prujean, probably of Ashdon. The Prujeans were of Sutton Park, Havering. This justice may be the same mentioned by Bramston (Memoirs) as "grandson of Sir Francis Prujean the celebrated physitian," who was President of the College of Physicians in 1665.

‡ Sir Martin Lumley of Bradfield in Essex, was the second Baronet; his father had represented the county in the Long Parliament.

§ Sir Thomas Middleton Kt. of Stansted Montfichet in Essex. He was M.P. for Harwich in 1679 and 81, in 1688, 90, 95, and 98; ob. 1702. His son Thomas sat for the county of Essex temp. Queen Anne. [C. O. L.]

S<sup>r</sup> GERVACE ELWES,<sup>\*</sup>

Liveing out of the county, and haveing already had the Questions putt to him by my Lord Dormer,<sup>†</sup> doubts not but he will give a satisfactory acc<sup>t</sup> of him as to his answere.

S<sup>r</sup> RICHARD PIGET (*Pigot*),<sup>‡</sup>

To the first, Answeres that he never did, nor never would stand for a Parliam<sup>t</sup> man.

To the second, that hee never will be at any Elec'con.

To the third, that 'twas alwayes his Principle to live quietly with his neighbours of all p'swasions.

S<sup>r</sup> BENJAMIN THOROGOOD,<sup>§</sup>

That he will not stand for a Parliament man.

To the second, that he cannot p'mise for any other man.

To the third question, answers in the Affirmative.

## HENRY WRIGHT,

To the first, Answeres, y<sup>t</sup> hee will not stand for a Parliam<sup>t</sup> man.

To the second, that hee will neither medle nor make with anybody.

With the 3<sup>d</sup> hee totally complyes.

## JOHN BARRINGTON,||

Does not designe to stand for a Parliam<sup>t</sup> man.

To the Test Act he is in the Negative. Nor is he for oppressing any body for Religion sake.

To the third he is in the Affirmative.

\* Sir Gervase Elwes of Stoke College, sat for Sudbury and the county of Suffolk; was created a Baronet in 1660. He was the son of Sir Gervase Elwes of Woodford in Essex.

† Lord Dormer appears thus to have re-placed Henry, Duke of Grafton, in the Lieutenancy of Suffolk.

‡ Sir Richard Pigott of Woodford in Essex, was knighted in 1686, and Master of the Patent Office. He died as per Le Neve "at his house in boswell Court middx 1699." s.p.

§ Sir Benjamin Thorowgood was Lord Mayor of London in 1685. Had the manor of Woodford in Essex. He was knighted in 1685, and Le Neve styles him "of Cornhill, Lynendraper."

|| One of the ancient family of Barrington of Barrington Hall, in Essex. He was apparently third son of Sir John Barrington Kt. and Bart., who died in 1682. Morant (ii, 505) gives a full account of this family.

## WILLIAM BEAUMONT,

To the first Question, Answeres that he has noe inten'con to stand for a member of Parliam<sup>t</sup>.

To the second, that he will concur to take of y<sup>e</sup> Penall Laws, but not the Tests.

With the third he fully complyes.

## WILLIAM CLOPTON,

Replies to the ffirst, y<sup>t</sup> he does not in the least designe to stand for a Member of Parliam<sup>t</sup>.

To the second, that he shall assist and contribute to the elecc'on of such members, as he thinks shall be loyall and faithfull to the King, and as for takeing off the Penal Lawes and Tests he leaves it wholly to them.

To the third, that he shall live peaceably and quietly with his Ma<sup>ys</sup> subjects as long as he lives.

FRANCIS MILMAY [*Mildmay*],\*

As to the first, he thinks t<sup>'</sup>is above any mans power to promise anything till he heares the Debates of the House.

To the second, that he will give his vote for noe man, but for him that he thinks will serve the King.

With the 3<sup>d</sup>, he totally complyes.

## MR. THO: CHEEKE,

Answeres to the first, that he never was nor never does intend to stand for a member of Parliament.

To the second, that he never did concerne himselfe in Elecc'ons, but should be very glad to serve the King in any thing in his power.

With the third he complyes.

\* The Mildmays are a very ancient and ramified family. The different branches in Essex were of Moulsham; Springfield; Barnes; Great Baddow; of Grace's in Little Baddow; Sir Walter of Athorpe; of Danbury; Terling; Wanstead; of Woodham-Walter; and Marks.

S<sup>r</sup> JOHN BRAMSTON,\*

Answeres to the two first that he cannot preingage himselfe to take off the Penall Lawes and Tests.

To the third, that he will always pay his duty to his Majestye, and live peaceably with his neighbours of all perswasions.

## COLONELL TURNER,

Answeres that he does not intend to stand for a Member of Parliam<sup>t</sup>.

To the second, that he will give his vote to those that will most serve his King and country.

To the third, that he will acquiesse to the Government, and live quietly with people of all perswasions.

S<sup>r</sup> WALTER CLARGES,†

Has answered his Majestie already to the three Questions, and therefore he thincks a repetition needles.

\* Sir John Bramston of Skreens, in the parish of Roxwell, was the eldest son of Sir John Bramston, Lord Chief Justice of England. He was made a Knight of the Bath at the coronation of Charles II., and sat for the county in the Convention Parliament of 1660-1, as also for Maldon in 1678 and 1685 [C. O. L.] He died in 1699, aged 89, and was buried at Roxwell.

His "Autobiography" furnishes valuable information for the period under notice, and he was much consulted by the Lords Lieutenant of Essex during the time. He was very indignant at a sort of conspiracy, of which Henry Mildmay of Grace's was at the head, accusing him of being a Catholic; of which Charles II. used to say:—"After Oates his plot was on foot, the Popish plot began upon Sir John Bramston." [Memoirs, p. 158.] [See foot-note, p. 407.]

† Sir Walter Clarges, son of Sir Thomas Clarges Knt., was created a Baronet in 1674. He sat for Colchester in 1679, and 1685, and for Westminster in 1689. [C.O.L] His father's name occurs repeatedly in the "Diary" of Henry Earl of Clarendon, and will be found among the responding magistrates in the Hampshire Returns. He was an object of notoriety in 1682 in respect of a duel as second to Christopher, second and last Duke of Albemarle with Lord Grey of Warke. The said Duke, son of the celebrated George Monk, created by Charles II. Duke of Albemarle, was first cousin of Sir Walter Clarges, and as the above occurrence caused considerable commotion, and the details are not elsewhere to our knowledge given, the annexed account may be interesting, both in respect of the celebrity of the parties, and a custom much more then in vogue than at present, characteristic of the times. Three different accounts refer to it.

One letter in 1682, dated June 1<sup>o</sup>, from Owen Wynne to Lord Preston, the English Ambassador at Paris:—

"There happened this morning an ill favoured incident, which is that the Duke of Albemarle and Sir Walter Clarges fought in duel against Lord Grey and Captain Godfrey. Clarges wounded Godfrey in two places, but was disarmed, and then Lord Grey, as his second, turned points against the Duke, which, according to the custom (it seems) obliged his grace to deliver his sword. We know not yet how his Majesty

S<sup>R</sup> PETER SOAMES,\*

To the two first, answeres that hee is not for taking off the Penall Laws and Tests.

To the third, y<sup>t</sup> hee is for liveing quietly with his neighbours of all p'swasions.

## WILLIAM GLASCOCKE,†

That by reason of his great age and goute, stone, and stranguary, hee is utterly inabled (*sic*) to serve in Parliam<sup>t</sup>.

To the second, that for the aforesaid reasons hee is not able to bee at any Elecc' on.

To the third, that hee desires to live peaceably and quietly with his neighbours of all perswasions.

will resent this, nor what the ground of the quarrel was, tho' it's said the Duke challenged." [Hist. MSS. Com. vii, 353—Sir F. Graham's Papers.]

Another letter of the same date from Sir John Worden, and among the same Papers, gives these additional particulars:—"Yesterday a duel was fought 'twixt Duke of Albemarle, and Lord Gray principals, and Sir — Clarges and Capt Godfrey, seconds.—Godfrey disarmed Clarges, at d so [the] Duke [of] Albemarle was obliged to yield; and after all Lord Gray assured him he had not spoke any of those words, which had occasioned the quarrel. I think Sir — Clarges [*is*] wounded a little." [Hist. MSS. Com. vii, 371.]

A fuller account is given among the "Verney" Papers. 1682, June 5. "Last Wednesday were fought two duels, viz. the Duke of Albemarle and Sir Walter Clarges, against Lord Grey and Col. Godfrey. This last disarmed Sir Walter, and ran to join with his principal, swearing to the Duke that unless he delivered his sword he'd run him into the guts (*sic*). There being no remedy, (being two to one), the Duke delivered; here the Wh... [Whig] had the better on't. The occasion was thus: Gray being in a gunsmith's shop took up a gun, which had much work on it, and said "What fool owns this"? or to that purpose. The gun was Albemarle's, one of whose footmen being by, told the Duke, on which a challenge was sent." [Hist. MSS. Com. vii, 479.]

The interest of these particulars is somewhat enhanced from the fact that Lord Grey's second, Capt. (or Col.) Godfrey, Master of the Jewel-office, was husband of James the Second's former mistress, Arabella Churchill, the Duke of Marlborough's only surviving sister.

\* Sir Peter Soame (or Soames) was second Baronet of Haydon (Heydonbury), in Essex. His tenure of this manor was apparently by Grand Serjeantry. It was held by the service of holding the Basin, Ewer, and Towel when the King washed his hands before dinner, and at the coronation of James II., this justice put in his claim to perform that office. It was only partially allowed, however, on that occasion, and continued so far to be admitted (viz. as to the Towel) up to the time of George II. Morant [Hist. of Essex, ii, 602.] says that his ancestors had performed this service from time immemorial.

† This was apparently William Glascock of Hertisham. Of this family, of some antiquity in the county, were those of High Easter; Bobbingworth; Pryors-Glascock; and Chignal-Smealy.

S<sup>r</sup> ANDREW JOYNER,\*

Answeres to the first, that he is soe old and decrepid, that he shall not stand to be a Parliam<sup>t</sup> man, neither if he were chosen can he serve.

To the second, that he shall not trouble himselfe who shall be elected, or if he should, he could not with a safe conscience choose such a p'son as would take off the Test and Penall Laws.

To the third, that he will support the King's Declarac'on for liberty of conscience with living friendly w<sup>th</sup> people of ali perswasions, as subjects of the same prince, and good subjects ought to doe.

## + JOHN GREENE,†

Answeres to the first, y<sup>t</sup> his opinion and Judgment was alwayes ag<sup>a</sup> the p'secutting Power for Religion sake, and consequently hee is for takeing off the Tests and Penall Laws, and for his own Religion, hee trusts wholly to the Kings Declarac'on, and that he shall give his vote for the Elecc'on of such p'sons as hee hopes will mainteyne itt.

With the third hee complyes.

## JOHN TENDRING,‡

Declares he does not designe to serve in Parliament for any place whatsoever, his often infirmityes incapacitatieng him for such an employ.

To the second, that he cannot comprehend how farr the Repealing of the Penall Laws in generall may reach, but in p'ticuler that hee is of opinion t<sup>i</sup>s necessary to repeale some, and as necessary to reteyne others, which hee must leave to the wi<sup>d</sup>ome of a Parliament to consult of when they meete, and that hee shall endeavour to choose such Persons as will seriously consider the honour of God and his true Religion, and such as have beene and will bee serviceable to his

\* Sir Andrew Jenoure, second Bart. of Bigods, Great Dunmow, in Essex, married daughter of Sir John Bramston of Skreens; and ob. 1691, æt. 88. The name is varied as Jennour or Jenner.

† John Green, one of the magistrates not removed from the commission of the peace on this occasion (Bramston, Autobiography, 304).

‡ John Tendring, belonged to an ancient family, of which were:—Ralph de Tendring of Little Birch; John Tendring of the same temp. Edward IV.; William Tendring of Baddow and Naylinghurst temp. Henry VIII.; Sir Thomas and Sir Richard Tendring, (Morant's Essex). Bramston (Autobiography, 304), says, that he was one of those who were "continued," and not removed from the commission.

Majestye in takeing away the Test, and for the Peace, liberty, and property [*prosperity?*] of his people.

To the third, that hee does promisse to live peaceably and quietly with all p'sons of what p'swasion soever.

THOMAS WALDEGRAVE,

To the ffirst, that he does not designe to stand for a Member of Parliam<sup>t</sup>.

To the second, that he is very willing to choose any man that shall serve the King.

To the third, he answeres in the Affirmative.

NATHANIELL LAWRENCE,\*

Answeres to the first, that if hee bee chosen a member of Parliam<sup>t</sup>, hee will discharge his Trust the people shall putt in him.

To the second as to an Elecc'on, hee hopes hee may have his liberty of voting.

With the third hee complyes.

All these following Persons comply heartily with all the three questions :—

- |                                           |                                   |
|-------------------------------------------|-----------------------------------|
| + S <sup>r</sup> Richard Browne,          | + Warham Husmandin, <sup>t</sup>  |
| + S <sup>r</sup> Richard Wiseman,         | + William Mott,                   |
| + S <sup>r</sup> John Shawe, <sup>t</sup> | + Andrew Lawrence,                |
| + Richard Staine,                         | + Robert S <sup>r</sup> . Claire, |
|                                           | + Thomas Dawtrey.                 |

\* Nathaniel Lawrence was probably of Marks-Tey, in Essex.

<sup>t</sup> In Bramston's Autobiography the name is spelt Horsemanden. He was one of the magistrates "continued" in the commission of the peace, together with R. Stanes (Staine), Sir John Shaw, Tendring, and Green.

<sup>t</sup> Sir John Shaw of Eltham, Bart., married only daughter and heir of Sir John Peake, Lord Mayor of London in 1687, by whom he acquired the Manor of Mulsham in Essex. He was son of Sir John Shaw Kt., created Baronet in 1665. The family had estates at Birch, and elsewhere in the county. He was made Recorder of Colchester in 1687-8 (Bramston), and died 1721.

**S<sup>r</sup> JOHN PEEKE,\***

To the first Questions, Answeres that hee shall not stand for any Member of Parliam<sup>t</sup>, by reason of having beene these six months indisposed, and still remaining very ill, however upon all occasions shall be dutifull and obedient to serve his Prince, and to live peaceably with all men.

**S<sup>r</sup> WILLIAM HICKES,**

Answeres that he will neither stand for a Parliam<sup>t</sup> man, nor appear at any Elecc'on, and y<sup>e</sup> t'was alwayes, and ever should be, his Principle to live friendly and quietly with his neighbours of all perswasions.

**S<sup>r</sup> EDWARD TURNER,**

To the first, Answeres that he does neither designe nor desire to stand for a Member of Parliam<sup>t</sup>.

To the second, that he is contented to take off the Penall Laws and Tests, Provided the Protestant Religion be secured.

With the third, he complyes.

**+ S<sup>r</sup> WILLIAM SCROGGS,†**

Having noe Settlem<sup>t</sup> in this County, and residing in Barkshire is not to be found, but the Lord Chief Justice Wright, being his Brother in Lawe, declares he knows his opinion soe farre, that he will comply with all the three Questions.

### Persons proposed to be Deputy Lieutenants.

[*1st Report*]

**S<sup>r</sup> William Appleton,  
S<sup>r</sup> Anthony Browne.**

\* Sir John Peake of Mulsham, Little Wigborough, was Lord Mayor of London in 1687.

† This was doubtless Sir William Scroggs, who in 1678 was Chief Justice of the King's Bench, and removed in 1681. In 1676 he was one of the Judges of the Common Pleas. His brother-in-law, above named, was apparently Sir Robert Wright, who in 1685 was a Baron of the Exchequer, and subsequently Chief Justice of the Common Pleas.

**New ones.**

S<sup>r</sup> Edward Southcott,  
S<sup>r</sup> William Wiseman,  
Sr Richard Browne,  
S<sup>r</sup> Josias Childe,  
S<sup>r</sup> Edward Turner,  
S<sup>r</sup> Richard Wiseman, /  
Richard Stane Esq<sup>r</sup>,  
John Tendring Esq<sup>r</sup>,  
Philip Waldegrave Esq<sup>r</sup>,  
John Petre of Writtle Park Esq<sup>r</sup>.

**Justices of the Peace.**

Thomas Dawtrey Esq<sup>r</sup>,  
S<sup>r</sup> William Scroggs,  
S<sup>r</sup> Roger Martin,  
Francis Daniell Esq<sup>r</sup>,  
John Petre of Fithelars Esq<sup>r</sup>,  
John Wright Esq<sup>r</sup>,  
Robert Prujean Esq<sup>r</sup>,  
John Green Esq<sup>r</sup>,  
Thomas Waldegrave Esq<sup>r</sup>,  
S<sup>r</sup> John Shaw,  
Warham Husmandin Esq<sup>r</sup>,  
William Mitt Esq<sup>r</sup>,  
Andrew Lawrence Esq<sup>r</sup>,  
Robert S<sup>t</sup>. Claire Esq<sup>r</sup>.

**New ones.**

Banister Maynard Esq<sup>r</sup>,  
S<sup>r</sup> Robert Smyth Bar<sup>t</sup>,  
S<sup>r</sup> Gobert Barrington Kn<sup>t</sup>,  
Henry Mildmay Esq<sup>r</sup>,  
Erasmus Smyth of Weldhall Esq<sup>r</sup>,  
Nathaniell Rich Esq<sup>r</sup>,  
Thomas Barrington Esq<sup>r</sup>,  
Heynes Barlee Esq<sup>r</sup>,  
Robert Mildmay Esq<sup>r</sup>,  
Godfrey Thacker Esq<sup>r</sup>,

Thomas Weeley Esq<sup>r</sup>,  
 Thomas Argoll Esq<sup>r</sup>,  
 John Eldred Esq<sup>r</sup>,  
 John Rotherham sen<sup>r</sup> Esq<sup>r</sup>,  
 John Cox Esq<sup>r</sup>,  
 William Atwood Esq<sup>r</sup>,  
 John Wale Esq<sup>r</sup>,  
 William Trinder Esq<sup>r</sup>,  
 Richard Hide Esq<sup>r</sup>,  
 Jasper Kinsman Esq<sup>r</sup>,  
 Edward Bury Esq<sup>r</sup>,  
 Richard Borneford Esqr,  
 Thomas Burgh Esq<sup>r</sup>,  
 John Lemot Honniwood Esqr,  
 Richard Luther Esqr,  
 Timothy Felton Esq<sup>r</sup>,  
 John Neale Esqr,  
 John Rotherham jun<sup>r</sup> Esqr.

(Essex)

[Rawl. MS. A 139 B, f. 207.]

(Endorsed),

Com' Essex,  
 Dep<sup>r</sup> L<sup>t</sup> and Justices of the Peace,  
 April 1688.

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These following Persons are judged fitt to be Deputy Lieutenants :—

[2nd Report]

|                                  |                                 |
|----------------------------------|---------------------------------|
| S <sup>r</sup> William Appleton, | S <sup>r</sup> Richard Wiseman, |
| S <sup>r</sup> Anthony Browne,   | Richard Stane,                  |
| S <sup>r</sup> Edward Southcot,* | John Tendring,                  |

\* Sir Edward Southcot Knt., had the manor of Witham Parva *alias* Powers Hall, in Essex. His second wife was daughter of Sir Philip Tyrwhit of Lincolnshire, Bart. [See under "Lincoln."]

S<sup>r</sup> William Wiseman,\*  
 S<sup>r</sup> Richard Browne,  
 S<sup>r</sup> Josias Childe,  
 S<sup>r</sup> Edward Turner,

Philip Waldegrave,†  
 John Petre of  
 Writtle Parke.

These to be Justices of the Peace.

|                                                    |                                       |
|----------------------------------------------------|---------------------------------------|
| Banister Maynard,                                  | Haynes Barlee, Esqr,                  |
| S <sup>r</sup> William Wiseman, (sic)*             | Robert Mildmay,                       |
| S <sup>r</sup> Josias Childe, (sic)‡               | Godfrey Thacker,                      |
| S <sup>r</sup> Robert Smyth Barr <sup>t</sup> ,    | Thomas Weeley,                        |
| S <sup>r</sup> Gobert Barrington K <sup>t</sup> ,§ | Thomas Argoll,                        |
| Henry Mildmay Esqr ( <i>of Graces</i> ),           | John Eldred,                          |
| Erasmus Smyth of Weldhall Esqr,                    | John Rotheram, seni <sup>r</sup> , ** |
| Nath: Rich Esqr,††                                 | John Cox,                             |
| Thomas Barrington,                                 | Will <sup>m</sup> Attwood,            |
|                                                    | John Wale,                            |

} Esqr.

\* Sir William Wiseman Knt. and Bart. of Rivenhall, in Essex, belonged to an old family seated first at Much Canfield in that county. He sat for Maldon in 1679, 1680, and died in 1692. Sir John Bramston in his *Autobiography* styles him a "Puritan bred and borne."

† Philip Waldegrave of Borley Hall. This estate passed in 1729 to James, Lord Waldegrave.

‡ Sir Josiah Childe, Kt. and Bart. of Boys Hall, Halstead. Bramston (*Memoirs*) styles him "of the same stamp and principles as Col. Rich," whom he calls "a leveller or Commonwealth-man."

§ Sir Gobert Barrington of Fitz Walters, Little Baddow, in Essex, was one of the sons of Sir Thomas Barrington, second Bart., of Hatfield Broad Oak, and married daughter of Sir Richard Wiseman of Torrelshall; (*Morant*, ii, 504.) He was knighted in 1660. Sir John Bramston, (*Memoirs*), styles him a "Leveller or Commonwealth-man," who "out of hatred to the Church of England, and a desire to abrogate the Penal Laws, would include the Test."

|| John Eldred of Stanway, in Essex, sat for Harwich in 1688-9.

\*\* This was doubtless John Rotherham of Langleys in Great Waltham. He appears to have been knighted about this time, becoming one of the Barons of the Exchequer in 1688. His son John was Recorder of Maldon, and died 1729.

†† Nathaniel Rich is probably the same whom Bramston (*Autobiography*, 304) names Colonel Rich, and styles "a leveller or at least a Commonwealth's man."

|                            |                   |                                                |
|----------------------------|-------------------|------------------------------------------------|
| Will <sup>m</sup> Trinder, | Esq <sup>rs</sup> | Thomas Burgh,                                  |
| Richard Hide,              |                   | John Lemot Honniwood, (sic)*                   |
| Jasper Kinsman,            |                   | Richard Luther,                                |
| Edward Bury,               |                   | Tymothy Felton,                                |
| Richard Borneford,         |                   | John Neale,<br>John Rotheram jun. <sup>t</sup> |

### Knights of the Shire.

The Church of Englands Interest depends wholy upon S<sup>r</sup> Thomas ffanshawe and Mr. Will<sup>m</sup> Maynard,‡ whom they doe intend to sett up.

The Dissenters rely on Mr. Banister Maynard,§ and Henry Mildmay,|| and Richard Staine, or any two of them, who by his Majestyes Recomendac'on t'is hoped and believed will carry itt.

\* John Lemott Honywood represented Essex county in 1679, 1680-1, and in 1689-90, when by the Parliamentary Returns he appears to have died.

† John Rotherham junr. See overleaf under Rotherham senr.

‡ William Maynard, here named, was apparently second son of the second Baron, and brother of the Hon<sup>ble</sup> Banastre Maynard following; or another William, eldest son of the said Banastre, third Lord Maynard, who died *in vita patris* 1716.

§ In 1661 Banastre Maynard of Eyston (Easton) Parva in Essex, was elected for the county in the room of Sir Benjamin Ayliffe Bart. of Great Braxted deceased. He was the son of the second Baron, and succeeded as third Baron Maynard in 1698, and died in 1717. His maternal grandfather was Sir Robert Banastre of Passenham, county of Northampton, and Wood Plumpton in Lancashire. His father William of Easton Lodge was Comptroller of the Household, both to Charles II. and James II., but removed by the latter for non-compliance with the penal law question, and was also a Privy Councillor. A letter from him to Lord Preston, after the landing of the Prince of Orange, may be quoted in proof of his loyalty at the last: —

" 1688, Dec. 7<sup>th</sup>, Bartlow; Lord Maynard to Lord Preston.—Knowing how apt at this time all people that are missing are to be said to be gone to the Prince, or to the Lords that are in arms, I thought it my duty to acquaint your Lordship that I am far from having such design, but am at this private place in Cambridgeshire, ready to obey any summons or commands that the King or your Lordship shall lay upon me. . . . . finding his Majesty had no further use of our attendance, I took the first opportunity of getting into the country, it agreeing much better with my health than the London air; but I shall leave it to attend on his Majesty at the Parliament, or sooner if he has any commands for me. . . . ." [Hist. MSS. Com. vii, 420; Sir F. Graham's Papers.]

In 1686 he was one of those summoned to a private audience of the King. [See p. 385.]

|| Henry Mildmay was returned for the county in 1679, 1680, 1688-9, and 1689-90. He was of Graces, in Baddow Parva, in Essex. Accused Sir John Bramston of being a " Papist." [See foot-note, p. 399.]

(Endorsed),

Answers of the Dep<sup>t</sup>  
L<sup>ts</sup> and Justices of Essex.

The Persons undernamed are judg'd very fit by my Lord Petre to serve in the Comīssion of Peace for the County of Essex :—

Robert, Lord Hunsdon,\*  
S<sup>r</sup> William Styche,†  
Henry Audley,  
William Palmer,  
Haines Barlee junior,‡  
John Cooke,  
John Locquey,§  
Godfrey Woodward,  
William Winstanley,  
John Tindall,  
John Battel,  
William Crofts,

\* The Barony of Hunsdon, in Herts, was created in 1559; subsequently raised to the Viscountcy of Rochford in Essex, and Earldom of Dover. The two last dignities expired in 1677, but the Barony continued in the person of the above peer, and ultimately became extinct in 1765. Sir Robert Carey, sixth Baron Hunsdon (as above), attended James II. into France, and died at La Hogue s.p. in 1692. He had always been a devoted adherent of the King, and was a Catholic of ancient lineage and descent. He took a very decided part at this time, and among the Verney Papers [Hist. MSS. Com. vii, 479-504] are these entries in 1680-87:—"Lord Hunsdon is like to be in some trouble for drinking (at the Devil Tavern) confusion to all that were passing the Bill against the Duke of York."—He was very violent at the time the Fellows and Master of Magdalen College were cited in 1687 before the Ecclesiastical Commissioners, calling Dr. Anthony Farmer "a rogue and a dog, to take up their religion to act such things under," in respect of certain charges proved against him, for besides promising to become a Catholic as the King's nominee for the Presidency of the College, he was convicted of immorality.

It was in 1553 that the Princess (afterwards Queen) Mary was at Hunsdon House in Herts. [Loseley MSS.]

† William Stych of Newbury-Grange in Essex, was created a Baronet in 1687.

‡ The name appears as Barlee or Barley.

§ John Lockey held Aldbury Hatch (according to Morant), in the parish of Barking.

Thomas Bowes,  
 William Coward,  
 Willam Eldred,  
 Laurence Threele.\*

T'is also judged fitting by my Lord Petre that Thomas Dawtrey be turn'd out of y<sup>e</sup> Comission.

[Rawl. MS. 139 A, ff 203—214.]

*[In another hand.]*

It is also humbly desired that S<sup>r</sup> Gobert Barrington Kn<sup>t</sup> may be left out of the Comission of y<sup>e</sup> Peace for Essex.

[Rawl. MS. A 139 B, f. 268.]

### King's Agents Reports.

Extract from Reports for the Counties of Essex, &c., dated April and September, 1688.†

To the King's most Excellent Majestie,  
 May it please Yo<sup>r</sup> Ma<sup>de</sup>,  
 Wee most humbly tender &c., &c., &c.

[1st Report]

ESSEX, Collonel Mildmay makes it his Interest to be chosen, and to joyn his Interest with the Lord Maynards second son.

The Catholicks, and most of the Dissenters are for S<sup>r</sup> Josiah Child and Coll. Rich, and if Yo<sup>r</sup> Maj<sup>de</sup> approve thereof, that you would please to direct S<sup>r</sup> Josiah Child to joyn his Interest with Coll. Rich.

\* Threele or Thrale. The arms borne by this name were :—Paly of ten, or and gu.

† See pp. 101, 221.

The Church and presbyterian party are for Sr Eliab Harvey, and the Lord Maynards youngest son.

**COLCHESTER,** They propose to choose Mr Eldred [blank] junior, and Mr. Mott a Counsellor, or Cap<sup>t</sup>. Reynolds. The First is a Dissenter. The two last have fully declared themselves. They will make Freemen upon their new Charter to serve their Election.

**MALDON,** The Towne will choose Sr Gobart Barrington and Mr. Atwood, or Sr Thomas Darcy, and have consented to leave the settlement hereof to Mr. Baron Rotherham.

**HARWICH,** They have declared their resolution to choose Sr Anthony Deane and Mr. Pepys.

[*2nd Report*]

**ESSEX,** The County have their eye upon Coll. Mildmay. The Dissenters conclude that he is right, haveing signified soe much to severall of them. They also propose Sr Gobart Barrington, Mr. Lefther, and Lord Maynards youngest son. Sr Gobart Barrington and Mr. Lenther are right, and will carry itt, if Coll. Mildmay doe not oppose.

**COLCHESTER,** Is a Corporation. The Election is popular, consisting of about 700; the Dissenters intrest and number heere is very considerable. The Regulation was made att the instance of Capt. Reynolds, who on further enquiry hath noe interest heere; they propose the alteration of itt, and to choose Sr John Shaw, and to name another right man soe ~~none~~ as their Regulation is amended.

**MALDEN,** Is a Corporation; the election is popular. The Dissenters are numerous, and influence the towne; they propose to choose Sr John Shaw and Mr. Attwood, both right men. If Sr John Shaw be chose att Colchester, they will choose another right man in his roome.

**HARWICH.** Will choose Sr Anthony Deane and Mr. Pepys. It's supposed none will stand against them.

Hampshire.



# Penal Laws and Test Act;

PROPOSED REPEAL OF THE SAME IN 1687-8;

*In respect of the Deputy Lieutenants and Magistrates of Hampshire.*

[From the Original State Papers in the Bodleian Library.]

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THIS county was one which seems of all others to have caused James II. the most concern and annoyance. His son, James Fitzjames,\* by Arabella Churchill, Duke of Berwick, afterwards

---

\* James Fitzjames, Duke of Berwick, son of James II. by Arabella Churchill, sister to Colonel Churchill, afterwards first Duke of Marlborough, was born in 1671. He was sent to France at the early age of seven, and received his education at Juilly, the college of Plessis, and lastly at that of La Flèche. In the same year that his father succeeded to the Throne of England, he was sent to Hungary to obtain practical knowledge of the art of war, where he made his first débüt under the celebrated Charles, Prince of Lorraine, one of the generals of Leopold the First of Austria. He was present at the siege and capture of Buda (or Ofen) in 1686, and at the battle of Mohatz, where the Imperial troops retrieved the disaster inflicted on them at the same place by Soliman II. On his return in 1687 he was created Duke of Berwick; shortly before the time of which we are treating. The Revolution (of 1688) taking place soon after, he followed the fortunes of his father, and took part at the Battle of the Boyne in 1689. Here he was badly wounded, and singular to say it was the only occasion in his long military career. In 1692 he was an eye-witness with his father of the defeat of Tourville at La Hogue, by the combined English and Dutch fleets, where the hopes of a descent upon England and other aspirations of James were practically dispelled. After this he served in Flanders under the Marechal de Luxembourg against William III. of England and the Allies; was at the affairs of Steinkerque and Nerwinden in 1692 and 1693, at which last place (or rather Landen), he was taken prisoner; and on the death of the Marshal de Luxembourg in 1695, he served under Villeroi. In 1700 we find him with the Duke of Burgundy in the Spanish War of Succession, and again serving under Marshal Villeroi. It was in 1703 that he became a naturalised French subject; and in 1704 he took the command of Louis XIV.'s troops in Spain. In 1705 he operated against the Camisards, (the French Protestants so called), in Languedoc. In 1706, becoming a Marshal of France, he was again sent into Spain, where he won the memorable Battle of Almanza against the English; a victory which re-established the fortunes of Phillip V. of Spain. On this occasion it is worthy of note, that Marshal Berwick, an Englishman, commanded the French, and Lord Galway, by birth a Frenchman (and Comte de Ruvigny), commanded the English. [See *postea*] In 1708 the hero of Almanza was again at the head of Louis XIV.'s troops, in Spain, Flanders,

so distinguished in the wars of Louis Quatorze, as one of the greatest Captains of the age, had at that time but recently returned from his first military campaign with the Imperial troops in Hungary, and was at once appointed Lord Lieutenant of Hampshire in succession to the Earl of Gainsborough, thus superseded in the Lieutenancy of that county.

Of all other counties Hampshire had testified from the outset marked repugnance and hostility to the King's political schemes. The young Duke, his representative, (according to Lord Macaulay), is said to have been received as a Catholic with indifference, and even studied disrespect ; and the commissions of these latter in most instances thrown up. "They declared" says Macaulay, (quoting the Dutch Ambassador Van Citters despatch Feb. 1688), "that they would take no part in the civil or military government of their county, while the King was represented there by a Papist, and voluntarily laid down their commissions." This feeling of hostility added to concessions wrung from him by the course of events, the chief of

on the Rhine and Moselle, on four different occasions, till called to defend Dauphiné and Provence, which provinces he covered in 1709, 10, 11, and 12, and his defence of them has been compared to that by Catinat in 1692, and by Marshal Villars in 1708 ; and it is quite a question which was the greatest of these three commanders. In 1713, being a Grandee of Spain, and Duke of Liria, he was sent again to Spain, when he subsequently reduced the province of Catalonia, and in 1714 besieged and took Barcelona, which may be said to have ended the Spanish War of Succession. He was ultimately killed by a cannon-shot at the siege of Philippsbourg in 1734, when in command of the French Army in Germany, and was buried with his father at St. Germains. He had married in 1695 Honora daughter of William Burke, seventh Earl of Clanricarde, and widow of the Earl of Lucan. Lord Bolingbroke styled him "the best great man that ever existed." [Sörgel, "History of the Wars in Europe in the 18th Century"; Mémoires de Berwick, écrits par lui-même.]

To the above we may append some notice of his opponent at Almanza, Ruvigny, Earl of Galway :—"Henry, Marquis and Comte de Ruvigny, Deputy of the French Protestant Nobility, was born in 1647, and at the revocation of the Edict of Nantes took refuge in England, where becoming naturalised, he was created by William III. Earl of Galway. In command of the English and Portugese, he lost the battle of Almanza in 1707, against the Duke of Berwick, where the English were almost cut to pieces, the Portugese having given way and fled at the first onset. His conduct was arraigned on his final recall to England from Portugal. In 1715, shortly after George I. came to the English Throne, he was sent as Lord Justice to Ireland, conjointly with Charles, Duke of Grafton, to govern that part of the kingdom. He died in Hants in 1720. [Biographie Universelle, xvi, 377.] It was at Portarlington that a colony of Huguenots had been established, of which he became the sole survivor.

which was the invasion of his Kingdom by the Prince of Orange, caused the King to remove the Duke some months afterwards, with many other Catholic Lieutenants.\*

Such in substance is the picture drawn by the above historian in regard to the sentiments of this county, and it must be acknowledged that the Answers, for the most part extracted with some difficulty by the Lord Lieutenant, very much tend to corroborate these facts, and show that the Puritan and anti-Catholic party were predominant in most parts of it.

Although in this instance King James's canvassing measures may have been supported politically by more prudence and wisdom than he displayed on many other occasions, for notwithstanding an uncompromising spirit of bigotry and obstinacy, he was in reality as little wanting in sagacity as in courage, they were responded to with uniform coldness and indifference in all counties throughout the Kingdom. In many they were regarded with grave suspicion ; his professed "Liberty of Conscience" and religious toleration, as merely nominal and insincere ; and the proposed suspension of all Penal Laws as fatal to Protestantism. Hampshire, therefore, can scarcely be said to have formed an exception to the general feeling on the question ; still in no county, of which we have examined the Returns, do his Questions seem to have met with a more adverse reception, and to it, consequently, the chief honor must belong, in a Protestant point of view, of so thoroughly resisting them.

The Catholic element, at any rate, in this county, whether relatively influential or the reverse, (though by the Answers it would apparently have comprised about one third of the entire Magistracy, irrespective of the Justices, who declined to answer at all), is not a question to be weighed in the balance ;

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\* Lord Preston in a despatch to the Duke of Beaufort, dated 6th November, 1688, observes :—" My Lord Stawell is made Lord L<sup>t</sup> of Somersetshire in the place of my Lord Waldgrave, and I believe there will be an alteration speedily in Wiltshire. My Lord Delaware is Lord Lieutenant of Hampshire in the place of the Duke of Berwick. [Hist. MSS. Com. vii, 348.] — See also the Essex Returns for the removal of Lord Petre.

in fact it could not be said to preponderate to the entire detriment of the Church of England party in any of the English or Welsh counties, save possibly in Northumberland or Lancashire, though in the last county, at that time in the custody of Caryll, Viscount Molyneux, we cannot speak with certainty, as no Returns from it are forthcoming, but Macaulay states it to have been equally ill-disposed.\*

What has been elsewhere adduced by us in respect of these proceedings of James II., applies equally, if not with greater force to Hampshire, to which reference can be made, to avoid repetition. All that need be observed, in conclusion, is that the King under the influence of his Council, of which Father Petre† and Lord Sunderland were the prime movers, was entirely bent on violent and extreme measures for the attainment of his object ; ends, in fact, which even the Papal representative at his Court could not countenance ;‡ and this is indubitably proved by all testi-

\* The anxiety about Lancashire is mentioned by Van Citters in a despatch dated 28 1687 ; the result in a despatch dated four days later (Macaulay).

† Father Petre was descended (according to Sir John Bramston) from the third son of the first Lord Petre. Although undoubtedly the mainspring of James II.'s Council, and his name almost a by-word in history, it should be borne in mind that as the age was one of intolerance and religious persecution, his aspirations were only in conformity therewith, and that the measures adopted by one race of religionists while in the ascendant, would in all probability have been very much imitated by those of an opposite creed, under similar circumstances, and a like despotic king.

‡ The Papal Nuncio was Ferdinando, Count d' Adda, and had been consecrated Archbishop of Amasia in the King's Chapel. The proof of this assertion as to Father Petre is afforded in a letter amongst the Earl of Denbigh's Papers, written in less than ten months of the King's reign :—" Je trouve à Windsor que l'on est encore irresolu pour ce que regarde la dissolution du Parlement, craignant ce que la dame [not named] vous a observé sur ce sujet, autre que quelques uns ont représenté au Roy, qu'il n'avoit rien de plus assuré qu'en cas qu'on appeloit un autre Parlem<sup>t</sup> et que l'on y elut un assez grand nombre de Presbiteriens, &c., ils ne consentoient jamais a casser les loix [Penal Laws and Test Act], puisqu' ils voiroient assez clairem<sup>t</sup> que d'abord que cela fut fait, ils serroient cassez, et un autre Parlem<sup>t</sup> eslu en leur place qui seroit plein de Catho: Rom: qui alors detreuiroient non seulem<sup>t</sup> toutes autres religions, mais mesme reuniroient les terres Ecclesiastiques à l' Eglise. Le nonce du Pape se plaint de la conduite du Pere Peters, *qui ne veut songer qu' aux extremitez.*" [Further on the same letter observes as to the perfect understanding between the two Courts of France and England] :—" que les Roys de France et Angleterre estoient d'intelligence, &c." [Hist. M.S. Com. vii, 225.] Lord Clarendon also observes as to Father Petre in his " Diary," at the time he and others were endeavouring to bring about some arrangement with the King, after the Prince of Orange was at Whitehall :—" I then

mony which has come down to us from that time. The increase of his army and navy with no hostile object against any foreign foe, but with a view to be used in case of an open rupture with his own people at home, as demonstrated by the French ambassador's despatch to Louis Quatorze;\* and his openly expressed and undisguised sentiments to the same minister on the two great safeguards of personal liberty and the Protestant religion, the Habeas Corpus Act and the Test Act, are facts which sufficiently, and of themselves, prove it; of the one he said, that it was subversive of Royal authority and government; and of the other, "that it was destructive of the Catholic Faith." It is no less certain that the suspicion then prevailing that James had formed a league with France for the overthrow of Protestantism in England was founded on unmistakeable grounds. All that transpired at his conferences in 1686, of which the audience accorded to Sir Thomas Dyke affords an authentic instance, tends to corroborate the belief. "For great evils there must be great remedies," was a common saying of the King, retailed by Lord Feversham to Lord Preston in 1688, who added:—"as the King phrased it not long ago;"† and

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wished some honest roman catholick would try what could be done by laying things plainly before the King; upon which he [Mr. Keighley] mentioned Mr. Belson, whom I knew to be both a discreet and honest man, and one who never approved the foolish management of father Peters (*sic*); as, in truth did none of the sober roman-catholics." [Clarendon's Diary, ii, 123.] [See foot-note, overleaf.]

\* The French ambassador Barillon writes thus to his court on the 29th October, 1685:—"Il [James] ajouta, que son dessein étoit de faire revoquer par le parlement l' Acte du Teste, et l' Acte de Habeas Corpus; dont l' un est la destruction de la religion catholique, et l' autre de l' autorité royale"; and two months later, on Dec. 10th, he represents the sentiments both of the late King and James upon the latter or Habeas Corpus Act:—"Le feu Roy d' Angleterre, et celui cy, m'ont souvent dit, qu' un gouvernement ne peut subsister avec une telle loy." [Dalrymple Memoirs, ii, 171.] The same ambassador informs his court the following year as to the King's armaments, in a despatch dated 19th December, 1686:—"Le Roy d' Angleterre continue à faire travailler avec soin au rétablissement de ses vaisseaux. Il n'y a nulle apparence que ce soit dans le dessein de faire une guerre au dehors; mais ce Prince est persuadé, qu' il est fort convenable à ses intérêts de remettre la marine de l' Angleterre en meilleur état qu' elle n' étoit, et qu' il viendra bien plutôt à bout des choses qu' il desire de ses peuples, quand ils le verront avoir une armée et une flotte prête pour se faire obeir au dedans, et pour empêcher que les factieux ne puissent recevoir des secours considérables du dehors, si les affaires venaient au point d' une rupture ouverte dans le dedans de l' Angleterre." [Dalrymple, ii, 171.]

† Hist. MSS. Com. vii, 419.

these words alone were ominous of his fixed purposes. The period was undoubtedly a critical one ; but thanks to a combination of propitious events, not the least of which was the timely interposition of the Prince of Orange, the escape was proportionately great, and the abdication of the King shortly after, set at rest the fears of the majority of the nation as to the eventual issue. This never-to-be-regretted step warded off a contest, destined to have deluged the country in blood ; that sure and certain conflict between religionists, which the close and dangerous alliance of the French and English Monarchs must ultimately have brought about, for the very *approbation* with which James viewed, as a victory of the Church, the recent persecution of the Huguenots, and the cruelties, still fresh before his eyes, attendant on the resulting and compulsory conversions, was prophetic of that very danger, and pointed to measures destined to have led, in all human probability, to equally fatal, if not similar, results.\* †

\* Two despatches on this head are extant from the French ambassador Barillon to his court. The first is dated 4th October, 1685, in which James congratulates the French King on the results of the revocation of the Edict of Nantes, and alludes unmistakeably to those compulsory or forced conversions, the effect of the Dragonades (or system of quartering dragoons on the inhabitants of Protestant districts), by which whole villages in terror abandoned their own religion for that of Rome. It is thus given by Dalrymple [Memoirs, ii, 177.] :—"Sa Majesté Britannique a aussi entendu avec joy, ce que je lui ay dit du progrez marveilleux dont Dieu benit les soins de votre Majesté à l'égard des conversions de ses sujets ; n'y ayant point d'exemple qu'il soit arrivé une pareille chose en aucun tems, n'y en aucun pays, avec tant de promptitude. Sa Majesté Britannique croit bien qu'un ouvrage si important ne demeurera pas imparfait, et que Dieu fera la grace à votre Majesté de l'achever entièrement." The second, dated 18th August, 1686, the year following, runs thus :—"Mons Adda [i.e., the Pope's Nuncio at King James's Court] a fait part au Roy d'Angleterre de ce que le Pape a dit dans le consistoire sur le sujet de votre Majesté ; et de ce qu'elle a fait pour l'extirpation de l'hérésie en France. Sa Majesté Britannique m'en a parlé comme d'une chose qui lui fait un grand plaisir."

† We quote further what Lord Macaulay says on this particular point, and the revocation of the Edict of Nantes :—"Lewis had, like James, repeatedly promised to respect the privileges of his Protestant subjects. Yet Lewis was now avowedly a persecutor of the reformed religion. What reason was there, then, to doubt that James waited only for an opportunity to follow his example ? He was already forming, in defiance of the law, a military force, officered to a great extent by Roman Catholics ; or was there anything unreasonable in the apprehension that this force might be employed to do what the French Dragoons had done ?" Afterwards he observes :—"The pious Sovereign of England looked to the most Christian King, the eldest son of the Church, for support against a heretical nation."

**Returns from the County of Hants.**

Persons proposed to be Deputy Lieutenants.

South'ton

Lord Delaware,  
Richard Bishop Esqr.

New ones.

S<sup>r</sup> James Philips,  
S<sup>r</sup> Henry Tichborne,  
S<sup>r</sup> Charles Wyndham,  
S<sup>r</sup> John Collins,  
Edmond Perkins, Esqr,  
Charles Wells Esqr.

Justices of the Peace.

S<sup>r</sup> Rob<sup>t</sup> H James,  
S<sup>r</sup> Richard Beach,  
George Bridges Esqr,  
John Bynlosse Esqr,  
Francis Dickens Esqr,  
William Legg Esqr,  
Richard Carter Esqr,  
Henry Slingsby Esqr,  
Samuel Pepys Esqr,  
S<sup>r</sup> John Tippetts,  
S<sup>r</sup> Richard Haddock,  
S<sup>r</sup> Anthony Deane,  
S<sup>r</sup> John Narborough,  
S<sup>r</sup> John Berry,  
S<sup>r</sup> John Godwin (*sic*),\*  
William Hewer Esqr,  
S<sup>r</sup> William Booth,

---

\* Erased in the Original,

S<sup>r</sup> Edward Worseley Kn<sup>t</sup>,  
 S<sup>r</sup> W<sup>m</sup> Stevens Kn<sup>t</sup>,  
 S<sup>r</sup> Thomas Higgons Kn<sup>t</sup>,  
 Ralph Hastings,  
 Charles Wells Esqr,  
 Richard Cotton Esqr,  
 Henry Pownes Esqr,  
 Bartholomew Smyth Esqr,  
 William Lucy Esqr,  
 Edmund Bruning Esqr.

New ones.

Thomas Plowden of Lasham Esqr,  
 John Ayliffe of Anhurst Esqr,  
 William Tichborne of Shirville Esqr,  
 John Wyborne of Rookly Esqr,  
 William Swayne of Winchester Esqr,  
 James Dewy Esqr,  
 Henry Trinder Esqr,  
 S<sup>r</sup> Richard Stevens of Warnforth,  
 Whisper,  
 Cole,  
 Anthony Guidot Esqr.

(Endorsed),

Southampton,  
 Deputy Lieutenants and  
 Justices of the Peace,  
 April 1688

[Rawl. MS. A 139 B. f. 209.]

Answers.

The Answers of the Justices of the Peace for the County of South'ton, who not appearing at Winchester, were writt to, and have since returned their Answers by letter:—

S<sup>r</sup> HUGH STEWKELEY,

Answers, He cannot comply to the Two first Questions. Consents to the last.

S<sup>r</sup> GEORGE VERNON,\*

Sayes, that living in Surrey, he appeared before the Duke of Norfolk Lord Lieu<sup>t</sup> for that county, and that having beeene oftentimes sworne to maintaine the Church of England, he cannot in consequence comply to the two first. Consents to the third.

WHITE TICHBOURNE Esq<sup>r</sup>,†

Answers, that living in Surrey, where all his concerns lye, he gave his Answer to the Duke of Norfolk. Tis believed he will not consent.

WILLIAM BISHOP Esq<sup>r</sup>,

Answers to the two first Negatively, to the latter Affirmatively.

GEORGE COLDHAM Esq<sup>r</sup>,

Replies to the two first, that having been nursed in the Church of England, he hopes he shall never do anything in derogation thereof, that he shall vote for y<sup>e</sup> Election of such members, as have demonstrated their Loyalty to the King. To the third, he says, he is inclined to live peaceably with his neighbours.

RICHARD CHAUNDELER, Esq<sup>r</sup>,‡

Cannot be for the taking off any Law, that tends to the support of his religion, neither shall he vote for any man, that shall act contrary to this principle. Consents to the Third.

THOMAS BROCAS, Esq<sup>r</sup>,

Answers to the first, his want of health will not suffer him to be a Parliament man. To y<sup>e</sup> second he sayes, if he is at the election of Knights of the Shire, he will vote for such as are of knowne Loyalty,

\* Sir George Vernon Kt, sat for Haslemere in Surrey in 1685. He was of Farnham in the same county, and was knighted by Charles II. in 1681.

† White Tichborne Esqr. represented Haslemere in the Convention Parliament of 1688-9. [C. O. L.]

‡ Richard Chaundeler Esqr. was M.P. for the county of Hants in 1700. He was of Cam's Hall in Hants, which had belonged to Sir Thomas Badd Bart.

but cannot answer for their disposition for takeing away the Test and Penal Laws, when they have heard the Debates in Parliament, it being impossible for him to know at their Election, what will be their sentiments, when they are [*in*] Parliament, but will pray God to direct them to do what is best for the King and Kingdome. Consents to the Third.

THOMAS EDMONDS Esq<sup>r</sup>,

Will not comply to the two first. Consents to y<sup>e</sup> Last.

S<sup>r</sup> JOHN MILL,

Refuses the two first. Affirmes the Last.

JAMES RUDYERD Esq<sup>r</sup>,

Dyed lately at London.

JAMES TOUCH Esq<sup>r</sup>,                            Saye, they are not sworne Justices of  
 THOMAS BETTESWORTH Esq<sup>r</sup>,                    } the Peace, yet returne their Answers  
                                                              } to y<sup>e</sup> two first Negatively; to the third  
                                                               Affirmatively.

SAMUEL GAUDEN Esq<sup>r</sup>,

Gives no other Answer, but that he is not upon oath in y<sup>e</sup> Commission of the Peace; therefore incapable to act.

The Answers of the Deputy Lieutenants, and Justices of the Peace of the County of South'ton to the three following Questions proposed to them separately.

1. If you are chosen a Parliament Man, whether you will be for the taking of the Test and Penall Laws.
2. Whether y<sup>a</sup> will contribute all that lyes in your power to chuse such Members, as will be for the taking of the Test and Penal Laws.
3. Whether y<sup>a</sup> will live friendly with your neighbours, whatsoever Religion they are of.

Deputy  
Lieutenants

|                                                                                                                                                                                      |                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| + Lord De la Ware,*—Consents to all the Three Questions. <sup>†</sup>                                                                                                                | }                                              |
| Thomas Deane Esq <sup>‡</sup>                                                                                                                                                        |                                                |
| Edward Fleming Esq <sup>§</sup>                                                                                                                                                      |                                                |
| Charles Foster Esq <sup>¶</sup>                                                                                                                                                      |                                                |
| Francis Paulet Esq <sup>  </sup>                                                                                                                                                     | Refuse the two first,<br>Consent to the Third. |
| + Richard Bishop Esqr,—Consents to the two first<br>provided there may be no<br>such Laws made against<br>the Protestants. ¶ Consents<br>to the last.                                |                                                |
| S <sup>r</sup> William Kingsmill,**—Having been writt to, and<br>the Questions sent him,<br>has returned his Answer, he<br>cannot comply to the two<br>first. Consents to the Third. |                                                |
| S <sup>r</sup> Richard Beach,<br>+ S <sup>r</sup> Charles Wyndham,††<br>S <sup>r</sup> John Collins,<br>George Bridges Esqr,<br>John Bynlosse Esqr,                                  |                                                |

\* John West, sixth Baron de la Warr, succeeded his father Charles in December, 1687. Whether he or his father is the "Lord de la Warr" above named will depend on the date at which the Lord Lieutenant summoned the Hampshire magistrates, and the endorsement of one of the Returns is in favour of the former supposition. John the son of this peer became the first Earl in 1761. The family held Wherwell and Bolderwood Lodge in Hants; the former was given at the dissolution of the monasteries to the first Lord Delawar. Shortly before William of Orange landed, he was appointed to succeed the Duke of Berwick in the Lieutenancy of Hampshire. See p. 389, and foot-note, p. 252.

† So marked in the Original.

‡ See his name in the Wiltshire Returns.

§ Edward Fleming was doubtless an ancestor of the Stoneham family.

|| Francis Paulet (or Powlett) of Ampoort, near Andover, was returned for that borough in 1678, and in 1688-9, the so-called Convention Parliament. He was great-grandson of William, fourth Marquis of Winchester. Ampoort now belongs to the present Marquis.

\*\* Sir William Kingsmill Knt. of Sidmorton in Hants, knighted in 1680; ancestor of Sir Robert Kingsmill, Admiral of the Blue, M.P. for Tregoney in Cornwall; created a Baronet in 1800. The Kingsmills obtained the manor of Sidmorton at the Dissolution.

†† Sir Charles Wyndham Knt. sat in the Convention Parliament for Southampton in 1688-9.

|                              |                                                                                                                                                                                                                                                                                                                                                                               |                                                                   |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Justices<br>of<br>the Peace. | Francis Dickens Esqr,<br>William Legg Esqr,*<br>Richard Carter Esqr,<br>Henry Slingsby Esqr,†<br>Sr Robert Holmes,‡<br>Sr Edw Worteley, (sic) ( <i>Worsley</i> )<br>Sr Wm Stevens.§                                                                                                                                                                                           | Consent to the<br>three<br>Questions.                             |
|                              | + Sr Thomas Higgen   (sic)—Writes that having given<br>his Answer to the King,<br>he had his leave to stay in<br>Town.<br>+ Ralph Hastings Esqr,—Answers, the narrowness<br>of his Estate will not bare<br>being a Parliament man,<br>but will contribute all that<br>lyes in him, to choose<br>such members, as may<br>answer the Kings intentions. Consents to the<br>last. |                                                                   |
| Justices<br>of<br>the Peace. | Roger Barton Esqr,<br>Charles Cole Esqr,<br>Henry Hooke Esqr,<br>Francis Morley Esqr,<br>John Pawlin Esqr,<br>Richard Stanley of Crundall Esqr,<br>George Stanley Esqr,<br>Charles Wythers Esqr,—Refuses the two first. An-<br>swers to the Third, he will<br>be upon the Defensive, not<br>Offensive.                                                                        | Do not con-<br>sent to the two<br>first; Consent<br>to the Third. |
|                              |                                                                                                                                                                                                                                                                                                                                                                               |                                                                   |

\* William Legge (probably father of the above magistrate), was M.P. for Southampton in 1661, in which year he appears to have died. William Legg, the above justice, sat for Portsmouth in 1685.

† Henry Slingsby sat in the Convention Parliament of 1688-9 for Portsmouth. He was an alderman of that borough, and had represented it in 1685.

‡ Sir Robert Holmes Knt., was M.P. for Winchester in 1661. He was Captain and Governor of the Isle of Wight, and represented Newport in 1678-9, and again in 1685. He was a naval officer, and captain of the Defiance man-of-war, and had been knighted in 1666. (Le Neve.)

§ Sir William Stephens Knt. of Barton, Isle of Wight, was M.P. for Newport in 1685.

|| Erased in the Original.

**Leonard Bilson, Esqr,**—Answers, he cannot in conscience consent to y<sup>e</sup> two first, and that having made them, he will live and dye by them. Consents to the Third.

**Gabriel Whistler, Esqr,**—Gives no other Answer, but that he cannot tell what he shall doe, till he comes into Parliament. Consents to the Third.

**Richard Norton Esqr,\*** } Answer to the two first, that  
**Richard Cobbe Esqr,** } they consent as farr, as touches the Penal Laws, but not the Test. Consent to the Third.

**S<sup>r</sup> John Mill,†**—Sent his excuse by S<sup>r</sup> James Philips, he durst not appear, fearing to be arrested, being in contempt of a Decree of the Lord Chancellours.

**William Coleman Esqr,** } Have returned their Answers ;  
**Richard Love Esqr,** } they cannot comply to the two first. Consent to the last.

**S<sup>r</sup> James Philips,**  
**S<sup>r</sup> Henry Tichborne,‡**  
**Charles Wells Esqr,**  
**+ Edmond Perkins Esqr,**  
**Richard Cotton Esqr,**  
**Henry Pownes Esqr,**  
**Bartolmy Smythe Esqr,**

} Catholicks already in the Commission of the Peace.

\* Doubtless Richard Norton of Southwicke, who was M.P. for the county of Southampton in 1689-90.

† Sir John Mill, third Baronet of Mottisfont; nephew to Edwin, last Lord Sandys of the Vine; was High Sheriff of Hants in 1685, and ancestor of the late Sir John Barker Mill of Mottisfont.

‡ Sir Henry Tichborne was the third Baronet; had been constituted Lieutenant of the New Forest temp. Charles II.; and Lieutenant of the Ordnance by James II.; ob. 1689.

Justices  
of the Peace,  
who not  
appearing at  
Winchester,  
have beeene  
writt to, and  
the Questions  
sent them.

William Lacy Esqr,  
Edmond Bruneing Esqr.\*  
Sr Hugh Stewkeley,†  
Sr Nicholas Steward,:  
Sr John Mill,  
Sr Thomas Higgens, (sic)  
Sr George Vernon,  
Sr John Godwin,  
White Tichborne Esqr,  
William Bishop Esqr,  
Thomas Tutt Esqr,  
Samuel Gauden Esqr,  
John Davenant Esqr,  
George Coldham Esqr,  
Richard Chandler Esqr,  
Andrew Wale Esqr,  
Thomas Betsworth Esqr, §  
James Southerne Esqr,  
George Bramston Esqr,  
Thomas Edmunds Esqr,  
James Rudyerd Esqr.

Have as yet  
returned  
no Answer.

Some Catholicks and several others propose to be made  
Deputy Lieutenants, and Justices of the Peace, in divers parts  
of the county of Southampton.

Sr James Philips,  
Sr Henry Tichborne,  
Sr Charles Wyndham,  
Sr John Collins,  
Edmond Perkins Esqr,  
Charles Wells Esqr.

To be Deputy  
Lieutenants.

\* The Brunings were an old Catholic family. The above magistrate Edmund Bruning was of Wymering and Hambledon, county Hants, son of Richard Bruning of the same. According to a pedigree of the family [H. and G. iii, 519.] he lived to the advanced age of 98, dying in 1706. His two daughters were nuns at Pontoise.

† Sir John Stukeley, second Baronet of Hinton, Hants.

‡ Sir Nicholas Steward (or Stewart), Bart. of Hartley-Maudit, in Hants. represented Lymington in 1661; his daughter married Sir James Worsley Kt. of Pilewell, near Lymington [Le Neve MS. i, 57.]

§ Thomas Betsworth (or Betteworth) was probably of Brockenhurst, in Hants.

The Lord De la Ware, who consents to the three Questions, may be continued.

|                                                                                                                                                                                 |                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Thomas Plowden of Lasham Esqr,<br>John Ayliff of Vuhurst Esqr,<br>William Tichborne of Shirville, Esqr,<br>John Wyborne of Rookly, Esqr,<br>William Swayne of Winchester, Esqr. | To be Justices<br>of the Peace,<br>and the last to<br>be Recorder of<br>Winchester. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|

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### Confidential Return.

An Account of the Corporations and Burroughs of the County of Southampton ; and of those persons, who are for taking of the Test and Penall Laws ; and who have interest to be chosen Parliament men, if in some Corporations such Persons be removed, and others putt in their places, as they have already or shall propose.

**WINCHESTER,** Having refused to surrender its Charter, will probably be no less stubborne in the choice of its Burgesses.

|                                                           |                                  |
|-----------------------------------------------------------|----------------------------------|
| S <sup>r</sup> Roger L' Estrange,<br>Charles Hanses Esqr, | } Served in the last Parliament. |
|-----------------------------------------------------------|----------------------------------|

|                                                                |                                                                                           |
|----------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| The L <sup>d</sup> William Paulet,*<br>ffrrancis Morley Esqr,* | } Designe to stand for this place,<br>the latter having been examined<br>will not comply. |
|----------------------------------------------------------------|-------------------------------------------------------------------------------------------|

This Corporation will require if not a total change, at least a thorough Purge.†

\* Both these candidates were returned for Winchester in the ensuing or Convention Parliament of 1688-9. Lord William Paulet (or Powlett) again sat for it in 1695, 1698, 1700, 1701, 1702, and every succeeding Parliament till his death, save in 1710 and 13, when he sat for Lymington. He was son of Charles, sixth Marquis of Winchester, afterwards Duke of Bolton; consequently brother of the Lord Wiltshire, elsewhere named. He died in 1729.

† This was one of the many instances in which the Corporations resisted the measure of forfeiting their charters. Macaulay particularly alludes to Winchester as stoutly refusing to surrender its franchises. He observes:—"Few Corporations

**SOUTHAMPTON,** Seemes as uncertain in what to doe about its Charter, as it has beene in the methods of choosing its Members for Parliament. Sometimes having chosen them by the Mayer and Burgesses. Sometimes by the whole Town, as in S<sup>r</sup> Charles Wyndhams case.

S<sup>r</sup> Charles Wyndham, \* } Served in the late Parliament,  
S<sup>r</sup> Benjamin Newland, \* } and designe to stand for the  
next.

S<sup>r</sup> Benjamin it's thought will not comply, but may probably give his Interest to Mr. Ritchbell, if the King thinks him fitt to stand in his place.

This Corporation will likewise require a very great alteration.

**PORPSMOUTH,** † Has promised not to choose any, but such as shall vote for Repealing the Test and Penall Laws; so that this Corporation will need no change.

William Legg Esqr,  
Henry Slingsby Esqr, ‡ } Served in the late Parliament.

were now disposed to surrender their charters voluntarily; few complied, and the course the King took with those few, did not encourage others to trust him."—"Meanwhile the great majority of the Boroughs firmly refused to give up their privileges. Barnstable, Winchester, and Buckingham distinguished themselves by the boldness of their opposition." After reciting the intimidation which was sought to be used in regard of Buckingham, for its non-compliance with the Royal commands he observes:—"At Winchester still more violent measures were adopted. A large body of troops were marched into the town for the sole purpose of burdening and harassing the inhabitants (or rather overawing them). The town continued resolute; and the public voice loudly accused the King of imitating the worst crimes of his brother of France. The dragonades, it was said, had begun." James further appears in the case of Winchester to have meditated extreme measures, and by his prerogative to have superseded the Petition of Right, by which this practice had some years before (1628) been pronounced illegal. Macaulay further observes:—"He actually consulted the Chief Justice of the King's Bench on this subject, but the result of the consultation remained secret." We infer from this that the conduct of refractory Winchester was not further questioned.

\* Both these Knights sat together for Southampton in 1685; as also in 1679 and 1680-1.

\* Sir Benjamin Newland was a merchant, and sat for Southampton first in 1661, and subsequently in 1678-9. [C. O. L.] He was knighted by Charles II. in 1679 at Titchfield House on his way to Portsmouth.

† The Duke of Berwick was Governor of Portsmouth at that time.

‡ Henry Slingsby, alderman, represented Portsmouth in 1685, and in 1688-9. [C. O. L.]

**ANDOVER,**

Has no Mayer, but only a Bayliff, whose place depends upon the King, and who makes a returne of their members

S<sup>r</sup> John Collins,\* Robert Philips Esqr,<sup>t</sup> } Served in the late Parliament.

Gabriel Whistler Esqr, ffrancis Paulet Esqr,<sup>t</sup> } Designe to stand for the next, and will neither comply.

But t'is say'd the Town has invited S<sup>r</sup> Robert Sawyer<sup>§</sup> to stand in S<sup>r</sup> John Collins his place.

This town will likewise require a thorough purge.

**The Five following Towns choose their Burgessses as Burroughs :—**

**PETERSFIELD,** George Bridges Esqr, Thomas Bilson Esqr, } Designe to stand for this place, and t'will be hard to sett Bilson aside, whilst (sic) supported by his ffathers interest.

**LIMINGTON,** Richard Holt Esqr,|| John Burrard Esqr, \*\* } Will probably be chosen here, as formerly, and t'is believed will neither comply.††

Francis Dickens, who comply's, hopes, if supported by

\* Sir John Collins Knight of Chute Lodge, Steward of Andover, sat for that Borough in 1685; was knighted in 1681.

† Colonel Robert Phillips was M.P. for Andover in 1685.

‡ Francis Powlett of Amport, sat for Andover in 1688-9.

§ Sir Robert Sawyer of Highclere, in Hants, and of the Inner Temple, was knighted in 1677. He was Attorney General, Speaker of the House of Commons in 1678, and was returned for Cambridge University in the Convention Parliament of 1688-9. The ludicrous particulars connected with his resignation of the Speakership are given from the "Hatton Correspondence" at p. 374. His father Sir Edmund Sawyer of Dunston, in Norfolk, was an Auditor of the Exchequer (Le Neve). The church of Highclere was built by Sir Robert Sawyer, and he was buried in it.

|| Richard Holt sat for Lymington, with John Burrard, Esqr. of Walhampton in 1683, and in 1688-9. In 1689 he appears (by C. O. List) to have represented Petersfield in the same county.

\*\* Direct ancestor of the present Sir Harry Paul Burrard Bart. of Walhampton.

†† Lymington was another Corporation which was subjected to a Quo Warranto Writ in respect of its charter in 1688, but its burgesses stoutly contested the proceeding.

the King to have interest enough to be chosen here, in one of their places.

**WHITCHURCH,** Henry Wallop Esqr<sup>t</sup> } Designe to stand here, as in  
James Russel Esqr<sup>t</sup> } the late Parliament.  
If S<sup>r</sup> John Collins loose his interest at Andover, he may  
be supported here, perhaps with success.

**CHRISTCHURCH,** The Lord Clarendon<sup>t</sup> has so absolute an Interest here,  
it will be impossible to have any body chosen but such  
as he shall appoint, or at least approve.

S<sup>r</sup> Thomas Clarges Esqr<sup>§</sup> (sic) } Served in the late  
Anthony Ettrick Esqr<sup>||</sup> } Parliament.

**STOCKBRIDGE,** Oliver St John, \*\* who has promised to comply, designes  
to stand here, and does believe he has Interest enough,  
joyned with that of S<sup>r</sup> James Philips, not only to be  
chosen himself, but likewise to hinder any body to be  
chosen with him, but who will comply.

\* Henry Wallop Esqr. of Farley (Farleigh) Wallopp near Basingstoke, Hants, represented Whitchurch in 1680, 1685, and in the Convention Parliament of 1688-9. Another Henry Wallop of Farleigh-Wallop (probably the father), sat for the same place in 1661, in which year he died. Robert Wallop of Farleigh Wallop sat also in Richard Cromwell's Parliament of 1658. [C. O. L.] From this family descended Lord Lymington, Earl of Portsmouth, ancestor of the present Earl, to whom Farleigh Wallop now belongs.

† James Russel Esqr. of Laverstock, Hants, sat with the foregoing member for Whitchurch in 1688-9.

‡ Henry Hyde, second Earl of Clarendon, succeeded his father, the celebrated Lord Chancellor temp. Charles II., and well-known writer of the "History of the Rebellion," in December, 1674. Both are remarkable; the one as father, the other as brother of the Lady Anne Hyde, the wife of James, Duke of York, and mother of two subsequent Queens of England. It is very questionable whether the interest returned as possessed on this occasion by Lord Clarendon at Christchurch, was intended to be exerted in favour of the King, for he joined and supported the Prince of Orange before the expiration of the same year. He died in 1709.

§ Sir Thomas Clarges Knt. represented Christchurch in 1679, 1680, 1685, and was brother-in-law of the celebrated General Monk, created Duke of Albemarle. Some singular anecdotes of the history of this family are given by Burke (Extinct Baronetage, p. 116). His son, Sir Walter Clarges, (of whom notice occurs in the "Essex" Returns), had been created a Baronet in 1674, the above justice dying in 1695. The name is of constant recurrence in the "State Papers and Diary" of Lord Clarendon.

|| Anthony Ettricke represented Christchurch in 1685, but in the Convention Parliament of 1688-9 William Ettricke was returned.

\*\* Oliver St. John appears first to have sat for Stockbridge in 1679; afterwards in 1680, and in the Convention Parliament of 1688-9. He died in September, 1689. [C. O. L.]

The Lords Wiltshire\* and Campden designe to stand for the County, and will probably carry it against all other Interest.

(Endorsed),

Southampton,  
April, 1688.

[Rawl. MS. 139 A. ff. 196-202.]

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### Reports from the King's Agents.

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To the King's most Excellent Majestie,  
May it please Yo<sup>r</sup> Ma<sup>tē</sup>,

Wee most humbly tender to Yo<sup>r</sup> Ma<sup>tē</sup> an accompt of the Transactions  
of those Agents lately sent into the Country, &c., &c.†

**SOUTHAMPTON COUNTY,** They will choose the Lord Cambden, and the  
Lord Wiltshire. The county generally concurr  
therein.

The leaving Collonell Norton out of the Com-  
mission of the Peace, who we are assured will  
go right in Yo<sup>r</sup> Ma<sup>tē</sup>s interests, is a trouble to  
many.

**WINCHESTER,**

We have not meddled with this City, by reason  
Mr. Bernard Howard pretends to the manage-

---

\* Charles, Earl of Wiltshire, here named, was at this time son and heir-apparent of Charles, sixth Marquis of Winchester, and represented the county of Southampton in 1680, 1685, and 1688-9. His father having been created Duke of Bolton in 1689-90 by William III., he represented as Marquis of Winchester the county in that year, and again in 1695. In 1698 he succeeded his father as second Duke of Bolton, and as Lord Lieutenant of the county of Hants. In 1717 he was constituted Lord Lieutenant of Ireland, and ob. 1721.

† Wriothesley Baptist Noel, fifth Viscount Campden, was son and heir-apparent at that time of Edward, first Earl of Gainsborough, whom King James had just removed from the Lieutenancy of the county. He succeeded his father as second Earl in 1689, and was M.P. for Hants in 1685.

‡ See pp. 101, 221.

**PORTSMOUTH,**

ment thereof, though we understand the City is not pleased with the settlement proposed, and manage [ment] of affaires there.

**SOUTHAMPTON,**

The Mayor and magistrates have assured our Agents they will choose Two such as Yo<sup>r</sup> Ma<sup>tē</sup> shall recommend.

**YARMOUTH,**

They incline to choose S<sup>r</sup> Charles Windham, and except Yo<sup>r</sup> Ma<sup>tē</sup> recommend another, S<sup>r</sup> Benj<sup>m</sup> Newland is like to be chosen. Mr. Samuel Eyre is supposed will stand elsewhere, and of whom we are not very confident.

**PETERSFIELD,**

S<sup>r</sup> Robert Holmes hath undertaken for this place, for which there are nominated William Hewer, and Edw<sup>d</sup> Roberts.

**NEWPORT,**

They intend to choose Collonell Norton, and Mr. Bilson. The Collonell declines standing for the County. He is represented by Major Breman, who has fully discour'sd him as thoroughly Right, and Mr. Bilson is represented a very fair moderate man. Mr. Bridges hath wholly left his Interest, and declines standing here.

Mr. Francis Dickin will stand in the room of Coll. Norton, if the Collonell declines it.

**STOCKBRIDGE,**

Is undertaken by S<sup>r</sup> Robert Holmes, and so not visited by our Agents. S<sup>r</sup> Robert Holmes is proposed, and one other whom Yo<sup>r</sup> Ma<sup>tē</sup> shall name.

**NEWTOWNE,**

Wee can give no good Accomp of this place.

**CHRIST CHURCH,**

Undertaken by S<sup>r</sup> Robert Holmes, and so not visited by our Agents. Yo<sup>r</sup> Ma<sup>tē</sup> is desired to recommend Two.

They propose to choose Arthur Ettrick, and James Dewey.

The Lord Clarendon hath an Interest in this place. His letter is desired to recommend the the choice of these two.

The Mayor is Right, and an active man,  
will doe his utmost to secure a good Election.

WHITCHURCH,

Mr. Wallop and Mr W<sup>m</sup> Russell will be elected here. Mr. W<sup>m</sup> Russell who had been desired to quit his Interest here, and stand at Andover, dos decline it.

LIMINGTON,

They will choose Mr. Borrard\* (*sic*), and Mr. Richard Holt, who have fully declared themselves in Yo<sup>r</sup> Ma<sup>des</sup> Interest.

ANDOVER,

Not yet settled but a good election expected.

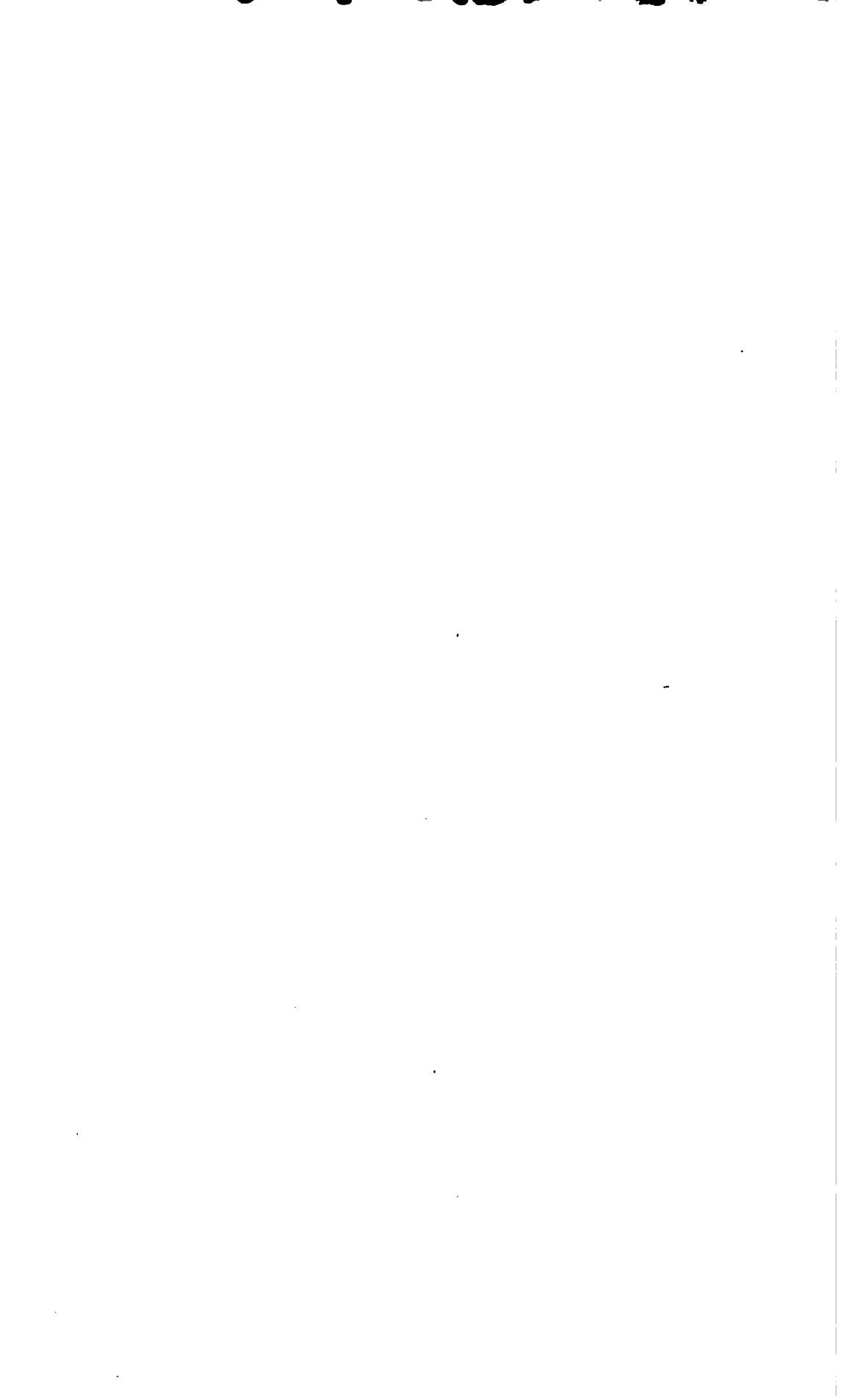
(Endorsed),

Returns from the Agents in the Country, Sept, 1688.

[Rawl. MS. A 139 B.]

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\* The Burrard family have represented Lymington in themselves, or their interest has preponderated there, in every Parliament from 1678 to 1842.



## SUPPLEMENTARY.

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### Cumberland

---

#### Persons proposed to be Deputy Lieutenants.

##### Cumberland,

S<sup>r</sup> William Pennington of Muncaster Bar<sup>t</sup>,  
S<sup>r</sup> Wilfred Lawson of Isell Kn<sup>t</sup>,  
S<sup>r</sup> Francis Salkeld of Whitehall Kn<sup>t</sup>,  
Francis Howard of Corby Esqr, Govern<sup>r</sup> of Carlisle.

##### Justices of the Peace.

John Aglionby of Drawdykes Esqr,  
Thomas Warwick of Warwick Bridge Esqr,  
Henry Dacre of Leonard Coast [*Lanercost*] Esqr,  
Thomas Dalston Esqr,  
John Skelton of Thornthwaite Esqr,  
Charles Orfeur of High Close Esqr,  
Henry Curwen of Workington Esqr,  
William Fletcher of Morresby Esqr,  
William Christian of Southwaite Esqr,  
John Errington of Beefront [*Beaufront*] Esqr.

##### New ones.

Thomas Salkeld Esqr.  
John Aglionby jun<sup>r</sup> Esqr,  
Skelton Esqr.

(Endorsed),

Dep L<sup>ds</sup> and Justices of  
Cumberland, May 1688.

[Rawl. MS. A. 139. B. f. 213.]

# Durham.

## Deputy Lieutenants.

### Durham.

|                                                     |                       |
|-----------------------------------------------------|-----------------------|
| Charles Montague Esqr,                              | John Witham Esqr,     |
| S <sup>r</sup> Thomas Haggerston Bar <sup>t</sup> , | Nicholas Cole Esqr,   |
| S <sup>r</sup> Ralph Cole,                          | Gerard Salvin,        |
| S <sup>r</sup> Edward Smith,                        | Dr Isaac Basire,      |
| S <sup>r</sup> John Duck,                           | Thomas Howard Esqr,   |
| S <sup>r</sup> James Clavering,                     | John Tempest,         |
| William Strother Esqr,                              | William Tempest Esqr, |
| George Baker Esqr,                                  | Robert Delavall Esqr. |

### Justices of the Peace.

|                                                |   |
|------------------------------------------------|---|
| John Hutchinson,                               | } |
| Cuthbert Kennett,                              |   |
| Ralph Mylott,                                  |   |
| William Christian,                             |   |
| Robert Tempest,                                |   |
| William Bradshaw,                              |   |
| William Orde of Beal,                          |   |
| Ralph Moon,                                    |   |
| S <sup>r</sup> Mark Milbank Bar <sup>t</sup> , |   |
| S <sup>r</sup> Richard Neile Kn <sup>t</sup> , |   |
| George Witham,                                 |   |
| Anthony Meabourn,                              |   |
| Thomas Cholmeley,                              |   |
| Luke Manborne, Clerk,                          |   |

Esqr.

Esq<sup>n</sup>.

William Swinbourne Esq<sup>r</sup>, — Jefferson, Sergeant at Law,  
 William Robinson Esq<sup>r</sup>, Alderman John Ball.

[In another hand.]

|                                                        |                                    |
|--------------------------------------------------------|------------------------------------|
| S <sup>r</sup> John Otway Kn <sup>t</sup> ,            | Henry Liddle,                      |
| John Mountague, D <sup>r</sup> in Div <sup>t</sup> y,  | Gerard Salvin ( <i>sic</i> ),      |
| Denis Greenvile, D <sup>r</sup> in Div <sup>t</sup> y, | Edward Roden,                      |
| S <sup>r</sup> Christopher Conyers Bar <sup>t</sup> ,  | The Major of the City of Durham    |
| John Witham Esq <sup>r</sup> ,                         | for the time being,                |
| Robert Dormer,                                         | The Major of the Borough of Stock- |
| Nicholas Cole,                                         | ton for the time being.            |
| John Tempest, ( <i>sic</i> ),                          |                                    |

[Rawl MS. A 139 B. ff 270—1.]

[*Adulatory Address to James II., from two clergymen of the Palatinate, on publishing his Declaration.*]

To the Kings most excellent Majestie.

The Humble Address of Two of the Clergie of the County Palatine of Durham, who published Yo<sup>r</sup> Majesties most gracious Declaration for Liberty of Conscience (*sic*).

The Influence of y<sup>e</sup> abundant favours, DREAD SIR, upon an ungratefull people, chiefly y<sup>t</sup> unusual mercie exhibited in y<sup>e</sup> late gracious Declarac<sup>'</sup>on, has soe tamely subdued us and soe straightly bound us to duty and Loyalty to Your Sacred Majesty, y<sup>t</sup> it is as mere impossible, as it would be shamefully ungratefull to break those sacred ties of clemency and goodnes, wherewith Your Princely care and Fatherly providence has link't us; and it is our misery, y<sup>t</sup> after such general demonstrations of Royall industry to make us a fertile soile, you must (like a mistaken though carefull sower) reap a mean Harvest, not because the Earth is unthankfull but unable. Our souls bleed within us for the casuall unwilling misfortune of those eminent our Brethren of the Clergie who now lie under Yo<sup>r</sup> Majesties displeasure, especially for our Most Rev<sup>d</sup> and R R Fathers in God the B<sup>ps</sup>\*, whose Loyalty (we hope) (notwithstanding they could not comply in the reading of y<sup>e</sup> late gracious Declaration), will be apparent to Y<sup>r</sup> truth discerning Majesty, as their undeniable learning and piety is to the subjects of these

\* See pp. 23, 54, 200.

kingdoms, of which they and we beg of God you may be long absolutely MONARCH, and certainly noe sadder affliction can befall them here, then y<sup>t</sup> they have soe undesignedly lapsed into Your Majesties disfavour, and since w<sup>t</sup> y<sup>r</sup> Majesty is pleased to dislike in them, cannot be amended by us, we will endeavour y<sup>t</sup> your Royal favours shall not be misplaced in us, who bring our hearts, (not tongues only), ready sacrificed, to Y<sup>r</sup> Majesties more then Kingly providence in uniting the hearts of your devided people to you their HEAD, and, (which is the greater conquest), them (allmost) one to another, by y<sup>t</sup> inestimable favours and mercies; soe y<sup>t</sup> none can in equity complaine of a loss, or boastingly vaunt of a greater share of Y<sup>r</sup> Majesties influentiaill mercy then [than] another, whilst all shall jealously strive who shall merit the greatest portion. Kings are gods saithe God himselfe, and it is apparent in your Majesty, by imitating y<sup>e</sup> power, (who vouchsafed you the Title), in nothing more y<sup>a</sup> mercy and pity. By Him Kings reign, and by Him alone y<sup>t</sup> Throne is established, mauger\* the infernall pollicy of the most ensnaring Achitophell,<sup>†</sup> in Y<sup>r</sup> p'servation from which, none can more truly be called, more aptly BY THE GRACE OF GOD, then [than] yo<sup>r</sup> sacred Majestie.

We, Y<sup>r</sup> Majesties most obedient subjects, were soe far from a non observance of Y<sup>r</sup> Royal comand in publishing Y<sup>r</sup> Declaration, y<sup>t</sup> after we received it by the care and conduct of y<sup>t</sup> sedulous promoter of it, o<sup>r</sup> ever Honoured and Reve<sup>d</sup> Mirrour of Loyallty, y<sup>e</sup> B<sup>PP</sup> of Durham; som of us did not believe on the 3<sup>d</sup> of June in the morning, but y<sup>t</sup> ther would have been a more generall if not an universall compliance, though it be falsely alleaged y<sup>t</sup> we did it for oure own interest, which could be noe ground for our reluctancy, since (besides the weight of Monarchichall comand and Episcopall injunction), we believed such an epidemicall obedience; we say let Loyallty be its own reward, we cannot run into an apparent sin, to shun an imaginary danger.

Heaven, (notwithstanding our ungratefull returns), is kinde to us w<sup>a</sup> weary of correcting our disobedience w<sup>th</sup> a Rod, tempts us to submission by her milder favours, and richest earthly blessing she has to bestow; sending in a celestial shower a ROYALL BABE, whose unquestionable birthright to 3 spatiuous kingdoms will put to silence all foolish gain-sayers; and if this mercy doe not awake us to duty, we are in a probable way to sleep on to our ruine.

\* In spite of.

† Achithophel, the counsellor of David.

Long has Heaven denied us this happiness, and now y<sup>t</sup> we have it, long let us prize it, and longer then [*than*] all y<sup>t</sup>, may the PRINCE finde (after us) Loyall subjects to pray for, and endeavour the continuance of it.

We meekly thanke you, GREAT SIR, and your Royall Consort our GRACIOUS QUEEN for bestowing upon us the richest Jewell in y<sup>r</sup> Cabinet; y<sup>t</sup> with the homage of our lives and fortunes is all the gratitude we can pay in lue of y<sup>t</sup> Royall favour, heaven supply o<sup>r</sup> defect, and reward you with plenty of the like blessings, y<sup>t</sup> ther may not want Heirs of y<sup>t</sup> Royall Race, (shame to them y<sup>t</sup> call Kings elective), to sway the Scepters of y<sup>r</sup> Fatheres inheritance, soe long as ther are people to be govern'd upon Earth.

May the people, (forewarned by costly experience), vote such Members as they thinke will not wrangle with and prattle against their King, and may the King remember (by the same token), ther was such a Parliament; but because the matter consists in cordiall endeavours and not simply wishes, we shall with all our abilities, (weak though they be), (hoping all good subjects will doe the like), faithfully lay out our interests in the behalfe of the FATHER of our country, PRESERVER of our Lawes, PROTECTOR of o<sup>r</sup> lives, and REVIVER of our hopes.

Long may you live, most mighty Monarch, to admire y<sup>r</sup> Princely Darlings Heroick vertues, and in y<sup>r</sup> later years renew your strength and happiness, by surveighing your own prestine Clemency, worth, and noble Acchievments in his y<sup>a</sup> blooming vigor; and when the powerr above shall mildly call you to an Immortall Diadem, y<sup>t</sup> you may gently descend the Grave of Y<sup>r</sup> Fathers in peace, honour, and a good old age is the prayer of

Those, GREAT SIR, who are noe less  
then totally w<sup>a</sup> comanded,  
Y<sup>r</sup> Majesties most obedient, firm  
and Loyall Subjects and Servants,

(Signed),

WILLIAM KENDALL, Curate of Elwick,  
GEORGE SAUNDERS, Curate of Hartinpoole [*Hartlepool.*]

Dat' Elwick, decimo 8tavo  
Sept<sup>o</sup>, Anno Jacobi 2<sup>di</sup> nunc  
Angliae etc quarto,  
Annoque Dom'i milesimo  
sexcentessimo octagesimo octavo. [18 Sep<sup>t</sup> 1688.]

(Addressed),

To

The high and mighty Monarch,  
James y<sup>e</sup> Second of England, Scotland,  
ffrance, and Ireland

King,

An humble Address  
p'sent.

[Seal; apparently a copper coin of that reign.]

[Rawl. MS. A 139 B, f. 276, Bibl. Bodl.]

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## Derbyshire.

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**DERBY COUNTY,** They intend to choose S<sup>r</sup> John Gell, who they accompt very right, and S<sup>r</sup> Gilbert Clarke who is very contrary.

It's very probable if Mr. Cornelius Clerke can be prevayl'd with to stand, they will prevent S<sup>r</sup> Gilbert's choice. The Sheriff together with our Agents, have undertaken to use their Interest in this case.

**DERBY,**

They propose to choose Mr. Cook and John Vernon. Mr. Cooke is under the influence of the Queen Dowager, as holding another place, or pention from her.

S<sup>r</sup> Simon Diggs (*sic*) hath no interest in this place.

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## Sussex.

---

**SUSSEX,**

S<sup>r</sup> John Pelham and S<sup>r</sup> William Thomas are suppos'd will be chosen for the county. They are reputed moderate men, but have not declared themselves as ..

to the Test. Theres no withstanding their Interest any other wayes but by Mr. Spence near Lewes his joyning with S<sup>r</sup> John Fagg, and Endeavours kindly used to strengthen their Interest.

HORSHAM,

Is the Duke of Norfolk's toun. If the Dukes Interest be improved, Cap<sup>t</sup> John Michell who is very Right, and another good man such as Yo<sup>r</sup> Ma<sup>tie</sup> shall name, if recommended by the Duke, or the Lord Thomas Howard, will be chosen; especially if what has been offer'd concerning this place, be thought fitt to be executed.

CHICHESTER,

Major Breman [*Braman*], and Mr. Farringdon [*Farrington*], are propos'd and likely to carry it.

MIDHURST,

The Lord Montacute hath a good Interest here, and may secure the Election of Mr. Lewkner (*sic*), and Mr. John Mitchell, or who His Lo<sup>pp</sup> shall think fitt. Tis desired a Letter may be writ to the Lord Montacute accordingly.

LEWES,

The Election doubtfull, the persons not named.

SHORAM,

The persons not named, but a good election expected.

BRAMBER,

The same.

STEYNING,

The same.

EAST GRINSTEAD,

Belongs to the Lord Dorset, and Mr. Goodwin. Tis supposed the Lord Dorset will bring in S<sup>r</sup> Thomas Dike\* (*sic*), and Mr. Goodwin. Mr. Coniers, a Counsellor, of whom we can give no good accompt. Is under the Influence of the Duke of Norfolk, and the Lord Thomas Howard.†

ARUNDELL,

They propose to choose William Garway and Mr. Butler. Mr. Lee of Plaistow hath a good Interest in the Towne w<sup>ch</sup> may be improved, but 'tis suppos'd Mr. Garway will rather choose to joyn with Mr. Butler.

\* See pp. 386-7 *antea*.

† Lord Thomas Howard was appointed in 1687 Lieutenant of the West Riding of Yorkshire in place of the Earl of Burlington. He was a "zealous" Catholic, according to Reresby, whilst his brother the Duke of Norfolk had become a Protestant. [Memoirs, 391, 266.]

What hath been proposed concerning this place,  
is requisite to secure the election.

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## *Worcestershire.*

**WORCESTERSHIRE,** They propose to choose Mr. Foley and S<sup>r</sup> James Rushout.

**WORCESTER CITY,** Mr. Bromley hath a good Interest, and represented a Discreet and Moderate Man, and an enemy to persecution.

Mr. Nanfan and Mr. Somers are also proposed, and have a good character and interest.

Esq<sup>r</sup> Herbert, Philip Foley, and Cap<sup>t</sup> Harrison are likewise mentioned, who are all supposed Right. Care must be taken to unite their Interests, that they doe not divide, but pitch upon Two that shall stand.

**DROITWICH,** There is great contentions in this place about their Salt-works, But all Interests agree to choose Right men, but neither Side have proposed their members.

Yo<sup>r</sup> Ma<sup>ie</sup> is desired to recommend Two.

**EVESHAM,** They propose to choose S<sup>r</sup> Edw<sup>d</sup> Dinely and Mr. Freeman the Recorder, who is wavering in his sentiments notwithstanding the assurance he has given to the contrary. Therefore William Vernon Esq<sup>r</sup> is proposed in his room.

My Lord Carrington is to be desired to influence this election.

**BEWDLY,** They propose to choose S<sup>r</sup> Charles Littleton. This place chooses but one member.

(Endorsed),

Returns from the Agents in the Country  
Sept 1688.

[Rawl. M.S. A 139 B. Bibl. Bodl.]

# Principality of Wales.

---

WITH THE COUNTIES OF GLOUCESTER, HEREFORD, MONMOUTH, AND  
BRISTOL.

Deputy Lieutenants,  
New ones.

RADNOR,  
Roger, Earl of Castlemain, Anthony Lochard Esqr,  
William, Lord Mountgomery, Richard Vaughan of Courtfield,  
James Baskerville Esqr, James Powell Esqr.

Justices of Peace,  
New ones.

|                           |                      |
|---------------------------|----------------------|
| Hugh Lewis Esqr,          | Robert Price Esqr,   |
| Gabriel Taylor Esqr,      | Lewis Morgan Esqr,   |
| Evan Lewis Esqr,          | William Aubrey Esqr, |
| Thomas Williams Esqr,     | John Holl Esqr,      |
| Thomas Holl Esqr, [Hall?] | Edward Haworth Esqr, |
| Thomas Tenman, Esqr,      | Owen Wynne Esqr.     |
| Littleton Powell Esqr,    |                      |

CITY OF BRISTOL,  
Sr William Pool, John Fitzherbert Esqr,  
John Romsey Esqr.

BRISTOLL, Major Wade doubts not but that if they cannot choose Two  
good men upon composition offered, they can without doubt  
choose One right man, and of which he will give further  
accomp't.

(Endorsed),  
Deputy Lieutenants and  
Justices of the Peace of  
Radnor and  
Bristol,  
23 February, 1687—8.

## Deputy Lieutenants,

## New Ones.

## CARNARVON,

|                                           |                       |
|-------------------------------------------|-----------------------|
| Roger, Earl of Castlemaine,               | Edmund Williams Esqr, |
| William, Lord Mountgomery,                | Owen Salisbury Esqr,  |
| S <sup>r</sup> William Williams of Voynon | Richard Edwards Esqr. |
| (sic) [Vaynol.]                           |                       |

## Justices of the Peace.

|                                 |                                  |
|---------------------------------|----------------------------------|
| Thomas Price Esqr,              | Maurice Wynne of Gravanlin Esqr, |
| William Pughe of Penthrin Esqr, | John Rowland Esqr.               |

## New ones.

|                                    |                                      |
|------------------------------------|--------------------------------------|
| Francis Griffith Esqr,             | Maurice Griffith Esqr,               |
| Richard Edwards of Llanhoran Esqr, | Rowland Wynne jun <sup>r</sup> Esqr, |
| Randall Wynne Esq ,                | Thomas Price of Brinnypeer Esqr.     |

## Deputy Lieutenants,

## New Ones.

## DENBIGH,

|                                   |                                  |
|-----------------------------------|----------------------------------|
| Roger, Earl of Castlemaine,       | S <sup>r</sup> John Trevor,      |
| William, Lord Mountgomery,        | S <sup>r</sup> William Williams, |
| S <sup>r</sup> Griffith Jeffreys, | William Williams Esqr.           |
| Owen Salisbury Esqr,              |                                  |

## Justices of the Peace.

|                              |                     |
|------------------------------|---------------------|
| Owen Wynne, Serjeant at Law, | Bevis Lloyd Esqr,   |
| John Parry of Twisog,        | Maurice Wynne Esqr. |
| Sidney Godolphin Esqr,       |                     |

## New ones.

|                                |                                 |
|--------------------------------|---------------------------------|
| Edward Crew of Holt Esqr,      | John Warren Esqr,               |
| Robert Pugh of Keven Esqr,     | John Trevor of Escleusham Esqr, |
| Captain Thomas Ball of Burton  | Jasper Peake Esqr,              |
| Captain William Wynne of Kac : | Thomas Price Esqr,              |
| Knoppa,                        | Robert Price of Bulch Esqr,     |
| Hughes of Penthrin,            | John Grosvenor Esqr.            |

## Deputy Lieutenants.

FLINTSHIRE,

S<sup>r</sup> John Hanmer,

Richard Parry of Comb Esqr.

## New ones.

Roger, Earl of Castlemaine,

Edward Peñant Esqr,

William, Lord Mountgomery,

John Grosvenor Esqr,

S<sup>r</sup> Edward Mostyn,

Thomas Lloyd of Bangor Esqr.

## Justices of the Peace.

George Pennant Esqr,

William Fitzherbert Esqr,

Pierce Mostyn Esqr,

John Gwynn of Gop Esqr,

Edward Petre Esqr,

Thomas Edwards of Rhyvall Esqr.

## New ones.

Henry Mostyn Esqr,

Robert Roberts of Nergusis Esqr,

Thomas Mostyn of Kelston Esqr,

George Davis Esqr,

Philip Henry Clark Esqr,

Thomas Price of Brinnypeer Esqr.

(Endorsed),

Deputy Lieutenants and  
 Justices of the Peace  
 for

Cardigan,  
 Carnarvon,  
 Denbigh and  
 Flint.

23 February 1687—8

## Deputy Lieutenants,

## New ones.

GLAMORGAN,

Roger, Earl of Castlemaine,

S<sup>r</sup> Humphry Mackworth,

William, Lord Mountgomery,

John Romsey Esqr,

Thomas Carne Esqr,

Charles Turberville.

S<sup>r</sup> Thomas Stradling,

## Justices of the Peace.

Richard Carne Esq<sup>r</sup>, Christopher Turberville Esq<sup>r</sup>,  
 Christopher Turberville Esq<sup>r</sup> of John Carne Esq<sup>r</sup>.  
 Pendllin,

## New ones.

|                                    |                                      |
|------------------------------------|--------------------------------------|
| S Humphry Edwyn,                   | William Lewis of Cryge Esqr,         |
| John Watkins Esqr,                 | Thomas Evans of Elgwysilan Esqr,     |
| Martin Button Esqr,                | William Morgan of Coed y Groes       |
| William Philips of Penrutten Esqr, | Esqr,                                |
| Robert Price Esqr,                 | Henry Williams of Merthyr [Merthyr], |
| Owen Wynne Esqr,                   | Daniel Lloyd Esqr,                   |
| Jeremiah Dawkins Esqr,             | William Philipps Esqr.               |

## Deputy Lieutenants,

## New ones.

## MERIONETH,

|                            |                        |
|----------------------------|------------------------|
| Roger, Earl of Castlemain, | Sr William Williams,   |
| William, Lord Mountgomery, | William Williams Esqr. |
| Owen Salisbury Esqr,       |                        |

## Justices of the Peace.

|                         |                    |
|-------------------------|--------------------|
| Gabriel Salisbury Esqr, | Thomas Price Esqr. |
|-------------------------|--------------------|

## New ones.

|                                  |                                  |
|----------------------------------|----------------------------------|
| Ellis Davis of Bedwent Esqr,     | Hugh Tydder Esqr,                |
| Owen Eaton Esqr,                 | Hugh Owen of Penmyney Esqr,      |
| John Jones Esqr,                 | Ellis Davis of Bedvenny Esqr,    |
| Thomas Price of Brinnypeer Esqr, | Richard Nanney Esqr,             |
| Meredith Lloyd Esqr,             | Edward Owen of Guastadfryn Esqr. |
| Charles Hughes Esqr,             |                                  |

## Deputy Lieutenants.

## MONTGOMERY,

|                     |
|---------------------|
| John Matthews Esqr. |
|---------------------|

## New ones.

|                             |                        |
|-----------------------------|------------------------|
| Roger, Earl of Castlemaine, | Sidney Godolphin Esqr, |
|-----------------------------|------------------------|

William, Lord Mountgomery,  
Sr William Williams,  
William Williams Esqr,

Robert Leighton Esqr,  
Thomas Lloyd Esqr.

**Justices of the Peace.**

Thomas Price Esqr.

**New ones.**

Bernard Foster Esqr,  
Edmund Lloyd Esqr,  
Thomas Price of Llanvillian Esqr,  
Rowland Bartlett Esqr,  
Thomas Mason Esqr,

Thomas Clopton Clark Esqr,  
Charles Lloyd of Doleobran,\*  
Matthew Price Esqr,  
Humphry Jones Esqr.

**Deputy Lieutenants,**

**New ones.**

**PENBROKE,**  
Roger, Earl of Castlemaine,  
William, Lord Mountgomery,  
William Barlow sen<sup>r</sup> Esqr,

Walter Middleton Esqr,  
George Lort Esqr,  
Edward Philips Esqr.

**Justices of the Peace,**

**New ones.**

Thomas Owen Esqr,  
William Barlow jun., Esqr,  
William Skyrme Esqr,  
Jenkyn Jones Esqr,

John Lewis Esqr,  
William Warren Esqr,  
George Meere Esqr.

**(Endorsed),**

Deputy Lieutenants and  
Justices of the Peace for  
Glamorgan,  
Merioneth,  
Mountgomery, and  
Pembroke,

23 February 1687—8.

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\* See p. 285 *antea.*

## Deputy Lieutenants.

## MONMOUTH,

William Herbert Esqr,

Philip Jones Esqr.

## New ones.

Roger, Earl of Castlemain,  
William, Lord Mountgomery,  
William Jones Esqr,Sr Humphry Mackworth,  
Thomas Herbert Esqr,  
Sr James Morgan.

## Justices of the Peace.

Richard Vaughan Esqr,  
George Scudamore Esqr,  
Anthony Powell Esqr,Richard Crofts Esqr,  
John Romsey Esqr.

## New ones.

Edward Davies Esqr,  
Thomas Gunter sen<sup>r</sup> Esqr,  
John Jones of Dingeston [*Dinges-*  
*tow*] Esqr,  
Walter James Esqr,  
George Milbourne Esqr,  
Henry Jones Esqr,Walter Williams Esqr,  
Dr Christopher Price,  
Henry Benedict Hall Esqr,  
Thomas Morgan of Tintarne Esqr,  
David Morgan of Llanwenarth Esqr,  
Charles Morgan of Lansore Esqr.

## Deputy Lieutenants.

## ANGLESEY,

Francis Bulkeley Esqr,

John Grosvenour Esqr.

## New ones.

Sr William Williams,  
David Williams Esqr,  
Roger, Earl of Castlemaine,William, Lord Mountgomery,  
Owen Owens Esqr.

## Justices of the Peace.

John Ellis, Dr of Divinity,  
Thomas Price Esqr,Robert Parry Esqr,  
Thomas Price of Brinnypeer Esqr.

## Deputy Lieutenants.

## BRECKNOCK,

Coll. John Jeffreys,  
William Lehunt Esqr,

John Williams Esqr.

## New ones.

|                             |                                 |
|-----------------------------|---------------------------------|
| Roger, Earl of Castlemaine, | Charles Lloyd Esqr,             |
| William, Lord Montgomery,   | S <sup>r</sup> Edward Williams. |
| William Wintour Esqr,       |                                 |

## Justices of the Peace.

|                                       |                                    |
|---------------------------------------|------------------------------------|
| Robert Price Esqr,                    | Thomas Bradford Esqr,              |
| William Lee Esqr,                     | Owen Wynn Esqr,                    |
| Thomas Price Esqr,                    | John Waters of Brecon Esqr,        |
| Edward Williams Esqr,                 | Thomas Gwynne of Pantygored Esqr,  |
| William Watkins Esqr,                 | Walter Vaughan of Trebarriad Esqr, |
| Lewis Jones of Tallind [Tallyn] Esqr, | James Parry of Trostree Esqr,      |
| Samuel Pritchard Esqr,                | Rice Price Esqr,                   |
| S <sup>r</sup> Thomas Williams,       | Lewis Hubbard Esqr.                |

## Deputy Lieutenants.

CAERMARTHEN,  
S<sup>r</sup> Rice Williams.

## New ones.

|                            |                        |
|----------------------------|------------------------|
| Roger, Earl of Castlemain, | Walter Middleton Esqr, |
| William, Lord Montgomery,  | John Evans Esqr.       |
| Thomas Owen Esqr,          |                        |

## Justices of the Peace.

John Philips of Dolhaidd Esqr.

## New ones.

|                                  |                                 |
|----------------------------------|---------------------------------|
| Edward Jones Esqr,               | James Williams of Dolgwyn Esqr, |
| Charles Powell Esqr,             | Walter Middleton Esqr,          |
| Henry Lloyd of Llanstephen Esqr, | Rice Lloyd Esqr.                |

(Endorsed),

Deputy Lieutenants and  
Justices of the Peace  
of  
Monmouth,  
Anglesey,

Brecknock,  
Caermarthen.

23 February 1687-8.

Deputy Lieutenants.

HEREFORD,  
S<sup>r</sup> John Hoskins,  
Thomas Price Esq<sup>r</sup>,  
Herbert Aubrey Esq<sup>r</sup>,

Humphry Cornwall Esq<sup>r</sup>,  
Thomas Lingen Esq<sup>r</sup>.

New ones.

|                                     |                                      |
|-------------------------------------|--------------------------------------|
| Roger, Earl of Castlemaine, (sic)   | Thomas Monnington Esq <sup>r</sup> , |
| Lord Montgomery, (sic)              | Richard Reed Esq <sup>r</sup> .      |
| Charles Somerset Esq <sup>r</sup> , |                                      |

Justices of the Peace,

|                                    |                                            |
|------------------------------------|--------------------------------------------|
| S <sup>r</sup> Walter Blount,      | Richard Hopton Esq <sup>r</sup> ,          |
| S <sup>r</sup> Barnabas Scudamore, | John Vaughan of Orecast Esq <sup>r</sup> , |
| S <sup>r</sup> Thomas Dupper,      | Thomas Arundell Esq <sup>r</sup> ,         |
| Thomas Geers, Serjeant at Law,     | Rowland Scudamore Esq <sup>r</sup> ,       |
| Anthony Lochard Esq <sup>r</sup> , | John Bodenham Esq <sup>r</sup> ,           |
| Richard Kemble Esq <sup>r</sup> ,  | John Powell Esq <sup>r</sup> ,             |
| John Street Esq <sup>r</sup> ,     | Jeremiah Bub Esq <sup>r</sup> ,            |
| William Hall Esq <sup>r</sup> ,    | John Booth of Brampton Esq <sup>r</sup> ,  |
| John Berrington Esq <sup>r</sup> , | Herbert Masters Esq <sup>r</sup> ,         |
| Henry Weston Esq <sup>r</sup> ,    | Robert Cornwall Esq <sup>r</sup> .         |

Deputy Lieutenants.

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| GLOUCESTER,                        |                                     |
| S <sup>r</sup> Charles Wintour,    | John Chamberlain Esq <sup>r</sup> . |
| William Wintour Esq <sup>r</sup> , |                                     |

New ones.

|                                   |                                     |
|-----------------------------------|-------------------------------------|
| Charles, Earl of Newburgh,        | Rowland Bartlett Esq <sup>r</sup> , |
| Henry Somerset Esq <sup>r</sup> , | S <sup>r</sup> Samuel Astrey.       |

Justices of the Peace.

|                                     |                                     |
|-------------------------------------|-------------------------------------|
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|-------------------------------------|-------------------------------------|

Henry Hall Esqr, (sic)  
 John Hill Esqr,  
 Robert Brent Esqr  
 John Ashton of Ashton Esqr,  
 Philip Draycott Esqr,  
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 John Vaughan Esqr,  
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 William Wall Esqr,  
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 William Wolsey Esqr,  
 John Fitzherbert Esqr,  
 Thomas James Esqr,  
 Christopher Woodward Esqr,  
 Henry Chivers Esqr.

## New ones.

Anthony Lambach [Sambach] Esqr, Hugh Brown Esqr,  
 Sr Thomas Cann Kn<sup>t</sup>, William Pauncefoot Esqr,  
 John Stafford Esqr, Edward Harris Esqr,  
 Sr John Fust Bar<sup>t</sup>, William Hayward Esqr,  
 Clayton Milbourne Esqr, Henry Collet sen<sup>r</sup> Esqr,  
 Samuel Price Esqr, Nurse Yate Esqr.

(Endorsed),

Deputy Lieutenants and  
 Justices of the Peace for  
 Hereford and  
 Gloucestershire,

23 February, 1687—8.

[Rawl. M.S. A 139 B. f 256 seq.]

**Test Act of 1681.**

In concluding the foregoing Test and Penal Act Returns of  
 1687-8, the Rawlinson MS. Volume contains the annexed entry

on the Test or Oath imposed by the Scotch Parliament in 1681. The aim and tendency of this Test, had in view the eventual extirpation of Protestantism in that country, and was thus in direct opposition to the Tests passed in 1673 and 1678, the subject of the preceding pages, for its protection. The sense and explanation of it, as given below, by Archibald, Earl of Argyle, on refusing the oath, as a Privy Councillor, was deemed a treasonable offence, for which he was condemned to lose his honours, fortune, and life. There is little doubt but that James, Duke of York, was in many ways accessory to this sentence, for during that and the following year he administered the Government of Scotland with unrelenting severity, so that its introduction here may not be out of place, the subject having immediate reference to the main object of his life, the re-establishment of the Catholic Religion.

---

**A COPIE OF THE PAPER GIVEN IN BY THE E: OF ARGYLE  
TO THE COUNSELL ANENT THE TEST.**

I have considered the Test, and am very desirous to give obedience as far as I can.

I am confident that the Parliam<sup>t</sup> never intended to impose contradictorie oathes, and y<sup>r</sup>fore I think no body can explain it but for himself, and reconcile it as it is genuine, and agrees in his oune sense.

I take it, as far as it is consistent w<sup>t</sup> itself, and the Protestant Religione, and I doe declare, that I mind not to bind up my self, in my statione, and in a lawfull way, to wish and endeavor any alterac<sup>n</sup>e, I think to the advantadge of Church and State,\* not repugnant to the Protestant Religione or my loyaltie. And this I understand as a part of my Oath.

---

\* From wishing, and endeavouring any alteration, which I think to the advantage of Church or State (Hume.)

(Endorsed),

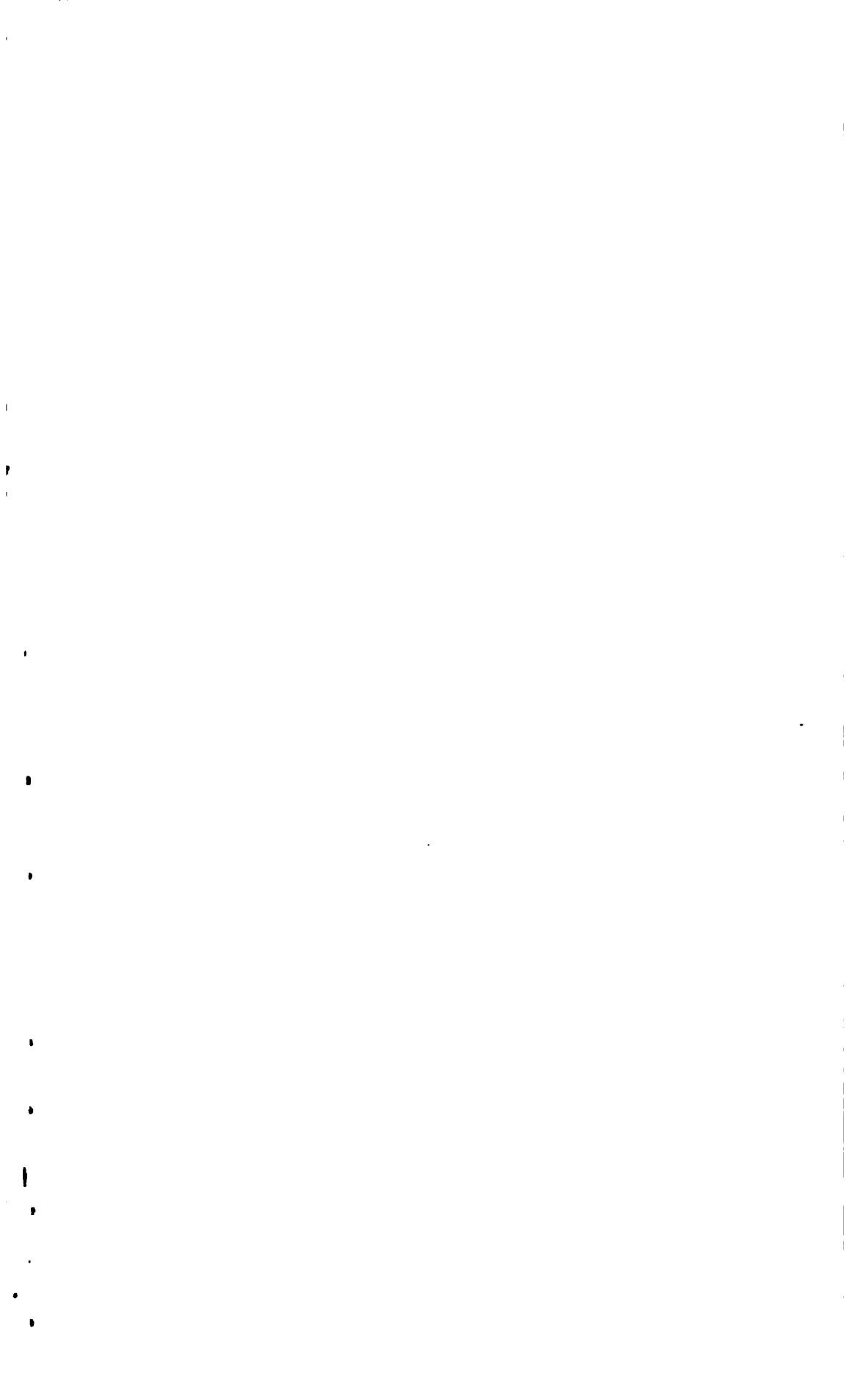
A copie of the  
E: of Argyles paper  
given in  
To the counsell anent  
The Test.\*

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\* When in 1681, James, being then Duke of York, convened, as the King's High Commissioner, the Parliament of Scotland, it was found, unlike that of England, quite amenable to the Royal views. After ratifying all former laws made for the security of the Protestant Religion, that Assembly enacted a *Test*, to be taken by all officers, civil, military, or ecclesiastical, and by all persons capable of electing, or being themselves elected, members of Parliament. (Burnet, 512, 515.) This Oath was purposely intended for the introduction of Roman Catholicism, because, (to use the words of Rapin), "it was thereby hoped to afford opportunity of disabling the greatest enemies of Popery from opposing the design." It was drawn up, (says the same authority, in such a manner, "that it imposed a necessity of swearing directly against Conscience," and ambiguities were inserted in it, purposely to keep all rigid Presbyterians from taking it, so that it was refused by most Ministers of the Church, and most of the Laity. Archibald, 9th Earl of Argyle, when the Act was debated, had strenuously opposed one of its most objectionable clauses, and refused to take the oath, save with a reservation of his own. The proposed clause exempted the Royal family from its obligations, and by insisting in his opposition to it, he drew upon himself, (as Hume observes), "the secret indignation of the Duke, of which he soon felt the fatal consequences." The construction, and wording of it in his own sense, communicated to the Council, in the above form, were deemed treasonable, and a capital offence, for which he was arraigned, and for as much as not only had refused the oath himself, but had dissuaded others from taking it, he was condemned to be executed; an iniquitous and infamous sentence, which, Burnet says, was looked upon with universal horror. The Earl, however, temporarily defeated its execution by escaping to Holland, but afterwards, in 1685, making an unsuccessful descent in Scotland, in conjunction with an invasion of England by the Duke of Monmouth, which was intended to have come off simultaneously, he was taken prisoner, and beheaded. (C.f. Burnet; Rapin: Hume.)



## *Index.*



# Index,

## PERSONS, PLACES, ETC.

[*N.B.—The letter "n" after the page refers to the note.*]

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## CORRIGENDA ET ADDENDA.

- P. 58, For "Micheal," read "*Michael.*"  
 .. 259, For "Brynkynvelt," read "*Brynkynalt.*"  
 .. 271, Coningsby Williams of Penmynydd, Anglesey, was M.P. for  
 Beaumaris in 1700.  
 .. 335, After "Draycott," insert [*Drayton.*]  
 .. 400, For "Serjeantry," read "*Serjeanty.*"  
 .. 461, For "Brynkynvelt," read "*Brynkynalt.*"  
 .. 467, For "Trant," read "*Frant.*"







